

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 6TH DAY OF DECEMBER 2018

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

A.No.6269 of 2018
in
C.S.No.618 of 2010

C.S.No.618 of 2010:

Dayalal Babootmal Soni
Prop: Mehta Steel House
184, Mint Street
Chennai 600 003.

....Plaintiff

-Vs-

1.Mrs.Geetha R.Davey (Deceased)
W/o.Late Ramanlal Someshwar Davey
Flat No.10, 4th Street
Anjani Square, No.7, Raja Annamalai Road
Purasawalkkam
Chennai - 600 084.

2.Mr.Dilip R.Davey
S/o.Late Ramanlal Someshwar Davey

3.Mr.Ashok R.Davey
S/o.Late Ramanlal Someshwar Davey

(Defendants 2 and 3 at
Flat No.10, 4th Street
Anjani Square, No.7,
Raja Annamalai Road
Purasawalkkam, Chennai - 600 084.

....Defendants

(Defendants 2 and 3 are brought on Record
as LR's of the deceased sole defendant
as per order dated 08.11.2018 in
A.Nos.6266 to 6268 /2018)

A.No.6269 of 2018:

Dayalal Babootmal Soni
Prop: Mehta Steel House
184, Mint Street, Chennai 600 003.

...Applicant/Plaintiff

-Vs-

1.Mrs.Geetha R.Davey (deceased)
W/o.Late Ramanlal Someshwar Davey
Flat No.10, 4th Street
Anjani Square, No.7, Raja Annamalai Road
Purasawalkkam
Chennai - 600 084.

...First Respondent/Defendant

2.Mr.Dilip R.Davey
S/o.Late Ramanlal Someshwar Davey
Flat No.10, 4th Street
Anjani Square, No.7, Raja Annamalai Road
Purasawalkkam,
Chennai 600 084.

3.Mr.Ashok R.Davey
S/o.Late Ramanlal Someshwar Davey
Flat No.10, 4th Street
Anjani Square, No.7, Raja Annamalai Road
Purasawalkkam, Chennai 600 084.

...2 and 3 Proposed Respondents/
Legal Heirs of First Respondent

Application praying that this Hon'ble Court be pleased to restore the suit by setting aside the order of dismissed for default passed on 18.11.2016 in C.S.No.618 of 2010 on the file of this Hon'ble Court.

This Application coming on this day before this court for hearing the court made the following order:

This application is filed seeking to set aside the order of dismissal of the suit for default made on 18.11.2016 in C.S.No.618 of 2010.

2. In this application also, the first respondent, who is the original defendant, since no more, the learned counsel appearing for the first respondent / first defendant is not appearing. In so far as the second and third respondents are concerned, they are the proposed respondents, brought on record for the first defendants as Legal Heirs.

3. Having satisfied with the reasons stated in the affidavit filed in support of this application, this application is ordered and the exparte order passed by dismissing the suit for default on 18.11.2016 in C.S.No.618 of 2010 is hereby set aside.

Sd./- R.S.K.J.

06.12.2018

//Certified to be a true copy//

Dated this the day of 2018.

DL/10.12.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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