



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.511 of 2018

K.Nesalingam

... Appellant

vs.

R.S.Maniyan

... Respondent

Appeal filed under Order 43 Rule 1(d) of the Civil Procedure Code, against the order dated 06.06.2018 passed in I.A.No.475 of 2017 in O.S.No.33 of 2016 by the learned Principal District Judge, Karur.

For Appellant : Mr.S.I.Muthiah

For Respondent : Mr.A.Sivasubramanian

JUDGMENT

The respondent/plaintiff has filed the money suit against the appellant/defendant. Due to non appearance of the appellant/defendant, the suit was decreed ex parte. An application to set aside the ex parte order was filed before the Court, but the learned Judge dismissed the said application holding that the appellant is attempting to protract the proceedings, against which, the present appeal has been filed.

2.When the matter came up for hearing today, learned counsel for both sides submitted that settlement talks are going on between the parties and they are interested to settle the matter before the National Lok Adalat to be held on 14.07.2018 and therefore, learned counsel for the respondent expressed no objection for setting aside the ex parte decree passed against the appellant/defendant and prayed for posting the matter before the National Lok Adalat to be held on 14.07.2018.

3.Recording the above submissions of the learned counsel appearing for both sides, without going into the merits of the case, in the interest of justice, this Court is inclined to set aside the impugned order dated 06.06.2018 passed in I.A.No.475 of 2017 in O.S.No.33 of 2016 and the exparte decree passed on 28.08.2017 by the learned Principal District Judge, Karur, and accordingly, they are set aside. The Trial Court is directed to place the suit before the concerned Lok Adalat to be held on 14.07.2018 for recording settlement between the parties.



Accordingly, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar

To

The Principal District Judge,
Karur.

+1cc to M/S.S.I.Muthiah, Advocate SR.No. 72294

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