

Application No.4622 of 2019
in C.S.No.296 of 2010

KRISHNAN RAMASAMY, J.,

The present Application has been filed for setting aside the *ex parte* order dated 11.06.2019 in C.S.No.296 of 2010.

2. The learned counsel for applicant/second defendant submitted that the applicant/second defendant had taken a Change of Vakalat from the counsel, who originally appeared in the case and engaged another counsel. He further submitted that said Change of Vakalat was returned by the Registry and that the applicant/second defendant could not represent the case, when the matter was called on 10.06.2019 & 11.06.2019, as a result of which he was set *ex parte* by this Court. The learned counsel therefore prayed that the said *ex parte* order passed by this Court dated 11.06.2019, may be set aside.

3. The learned counsel appearing for the respondents submitted that this Application may be allowed but subject to the costs.

4. Heard the learned counsels on both sides and perused the affidavit filed in support of the Application.

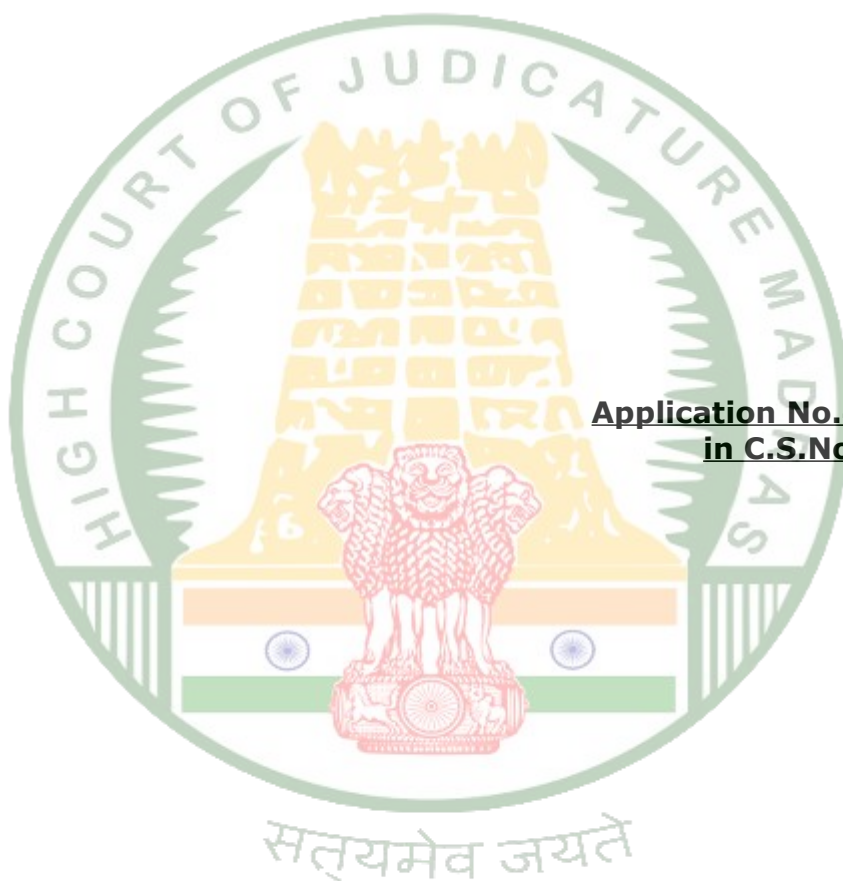
5. Though the reasons stated in the affidavit filed in support of the Application are convincing, however, considering the submission made by the respondents' counsel, this Court feels that this Application has to be allowed only on terms. Accordingly, this Application is allowed on payment of cost of Rs.2,000/- (Rupees Two Thousand only) to the Chief Justice Relief Fund by the applicant/second defendant on or before 22.07.2019.

08.07.2019

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KRISHNAN RAMASAMY, J.,

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