

**A.No.241 of 2020
and
T.O.S.No.2 of 2015
SENTHILKUMAR RAMAMOORTHY, J.**

This application is filed to set aside the ex-parte order dated 03.01.2020 in T.O.S.No.2 of 2015.

2. I heard the learned counsel for the applicant and the learned counsel for the respondent/plaintiff.

3. The learned counsel for the applicant/defendant submitted that when the suit came up for hearing on 03.01.2020, the applicant was unable to provide necessary instructions to his counsel to appear before the Court on account of various ailments including severe diabetes. Therefore, he submits that the order dated 03.01.2020 is liable to be set aside.

4. The learned counsel for the respondent/plaintiff submits that he has no objection to this application being allowed, provided the plaintiff is permitted to proceed with the trial expeditiously on account of the fact that the witnesses are elderly people and one attesting witness passed away recently.

SENTHILKUMAR RAMAMOORTHY, J.

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5. Upon consideration of the submissions of the learned counsel for the respective parties and on examining the affidavit filed in support of the application, I find the applicant has made out sufficient cause to set aside the ex parte order dated 03.01.2020.

6. The learned counsel for the applicant/defendant submits that he would file the written statement by 24.02.2020. List on 24.02.2020.

17.02.2020

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