

A.No.1601 of 2020
in C.S.No.341 of 2014

C.V.KARTHIKEYAN J.

This Application has been filed seeking to set aside the ex-parte order dated 18.09.2019 passed against the 2nd Defendant owing to non filing of the written statement.

2.In the affidavit filed in support of the said Application, it had been stated that a Compromise Agreement had been reached between the Plaintiff and the 2nd Defendant by virtue of the Memorandum of Understanding dated 14.07.2014. But according to the Defendant, contrary to the terms and conditions of the Memorandum of Understanding, the suit had been instituted. It had been stated that there was no willful reason for non filing of the written statement.

3.Heard, the learned counsel for the Plaintiff.

C.V.KARTHIKEYAN J,

smv

4.It would only be in the interest of both the Plaintiff and the 2nd Defendant that the issues raised by the Plaintiff are determined on merits. The Plaintiff should be given an opportunity to speak for himself and also subject himself for cross-examination.

5.In view of the above facts, the ex-parte order against the 2nd Defendant dated 18.09.2019 is set aside and the written statement of the 2nd Defendant is taken on file. The Application is allowed.

03.12.2020

smv

सत्यमेव जयते
WEB COPY

A.No.1601 of 2020
in C.S.No.341 of 2014