

A.No.4755 of 2019
in
C.S.No.568 of 2009

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Dr.G. JAYACHANDRAN,J.

This application is filed to condone the delay of 739 days in filing the application for setting aside the exparte decree dated 17.03.2017 in C.S.No.568 of 2009.

2.Affidavit filed in support of the application to condone the delay of 739 days in filing the application to set aside the exparte decree perused.

3.According to the applicant, who is the 2st defendant in the suit, he entered appearance in the suit through counsel and contesting the Interlocutory Application in I.A.No.696 of 2009 filed injunction and also an application in I.A.No.3638 of 2009 was filed to revoke the leave granted in the suit. Aggrieved by the order passed by the learned Single Judge in A.No.3638 of 2009, the plaintiff preferred O.S.A.No.58 of 2010 and the same was contested and dismissed. Thereafter, there was a talk of settlement between the parties and therefore, this applicant/2nd defendant did not file the written statement. However, the suit has been decreed exparte without printing the name of the counsel.

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4. The reason stated in the affidavit to condone the delay of 739 days appears to be genuine and reasonable. Hence, this application is allowed on terms of payment of Rs.3,000/- as costs to the 6th respondent, who is the legal heir of the deceased 1st respondent/plaintiff, on or before 31.01.2020.

5. Call the matter on 03.02.2020.

08.01.2020

सत्यमेव जयते

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