

A.No.9808 of 2019
in C.S.No.554 of 2016

SENTHILKUMAR RAMAMOORTHY.J.

This application is filed to set aside the exparte judgment and decree dated 07.08.2019 in C.S.No.554 of 2016.

2. I heard the learned counsel for the applicant/defendant and the learned counsel for the respondent/plaintiff. The learned counsel for the applicant submitted that he could not file the written statement in time because he was living in North India and therefore could not furnish the necessary particulars to his counsel. He further submitted that the applications filed by him to condone the delay in filing the written statement was returned for various compliances and that meanwhile the exparte judgment and decree was passed on 07.08.2019. Therefore, he submitted that the said exparte decree may be set aside because he has a good case on merits.

3. In response, the learned counsel for the respondents submitted that the applicant was provided sufficient opportunity to file the written statement and that he did not take steps to even represent the application to condone delay. He further submitted that strict time limits should be fixed for further proceedings so that the trial can commence at the earliest.

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4. Upon considering the submissions of the respective counsel and on examining the affidavit in support of the application, I find that the applicant has made out sufficient cause to set aside the exparte judgment and decree so as to enable him to contest the suit on merits. However, in view of the opportunities that were provided to the applicant in this regard, the applicant is directed to pay a sum of Rs.5,000/- (Rupees Five thousand only) as costs to the respondents/plaintiff within two weeks from the date of receipt of a copy of this order. In addition, the applicant is directed to list all pending applications in connection with the written statement at the earliest so as to prosecute the suit expeditiously. Subject to the aforesaid condition, this application is allowed and the exparte judgement and decree is set aside.

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23.01.2020

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