

Application.No.4937 of 2017
in
C.S.No.731 of 2011

R.N.MANJULA, J.

The learned counsel appearing for the petitioner has filed this petition to set aside the *ex parte* order and submitted that a Written Statement has already been filed. But the *ex parte* order has been passed against him on the notion that he did not file Written Statement. In view of his earlier submission to that effect, a direction was given to check whether the Written Statement has been filed by the petitioner/1st defendant.

2.On perusal of the records, it is seen that the Written Statement of petitioner/1st defendant has been filed as early as on 27.03.2012. However, the 1st defendant was set *ex parte* on 07.02.2017 without noticing his Written Statement.

3.The learned counsel appearing for the respondent/plaintiff submitted that he has no objection to set aside the *ex parte* order and admitted the fact that the petitioner/1st defendant has already filed the Written Statement.

4.Taking into consideration of the fact that the petitioner/1st defendant has filed the Written Statement as earlier as on 27.03.2012, this Court deems it fit to set aside the *ex parte* order dated 07.02.2017 passed against the petitioner/1st defendant.

R.N.MANJULA, J.

mtl

5. Accordingly, for the reasons stated above, this Application is allowed and the order dated 07.02.2017 is hereby set aside. No costs.

14.12.2020

mtl



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