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A.No.8179 of 2019 in
OP.No.964 of 2015

P.VELMURUGAN, J.

This application has been filed to set aside the exparte order of grant of letters of administration dated 05.12.2018.

2. Learned counsel for the applicant would submit that as the application to condone the delay was allowed, the application to set aside the exparte order is also to be allowed, which is only consequential application.

3. Learned counsel for the respondents would submit that both the application for condonation of delay and the application to set aside the exparte order are independent and therefore, though the condone delay application was allowed, the applicant has to give valid reason for her non-appearance, when the original petition was ordered on 05.12.2018 and hence, this application to set aside the exparte order has to be dismissed.

4. Heard and perused the records.

5. Admittedly, the second respondent in O.P.No.964 of 2015 has filed this

<https://www.mhc.tn.gov.in> application to set aside the exparte order passed on 05.12.2018 in O.P.No.964 of



2015. In order to give an opportunity to the applicant and to meet the ends of justice, this application has to be allowed. No prejudice will be caused to the respondents, if this application is allowed and therefore, this Court is inclined to set aside the exparte order passed on 05.12.2018.

6. Accordingly, this application is allowed and the order passed by this Court in O.P.No.964 of 2015 on 05.12.2018 is hereby set aside.

7. The respondents in O.P.No.964 of 2015 are directed to file their counter on or before 14.02.2022.

8. List the matter on 15.02.2022.

08.02.2022

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