

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 15TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

A.Nos.349, 487 to 489 of 2021

in

C.S.No.638 of 2018

1. Mrs.Lakshmi Ramachandran
W/o. Mr.Ramachandran,
No.12A/2, Subramaniam Koil Street,
Rajaji Nagar, Zamin Pallavaram,
Chennai - 43.

2. Mrs.S.Balasaraswathy,
W/o Mr.V.Sriram,
Plot No.77 V.G.P.Shanthi Nagar,
Bharathi Street, Pallikaranai,
Chennai - 100.

3. Mrs.R.Rajeswari,
W/o Mr.Ramji,
New No.21 (Old No.8) First Floor,
B.B.Road, Vyasarpadi,
Chennai - 39.

.. Plaintiffs

Vs.

1. Mr.K.N.Srinivasan,
S/o Mr.K.S.Narayanan,
No.41/1, Subramaniam Street,
Abiramapuram, Chennai - 600 018.

2. Mr.K.N.Ramanathan,
S/o Mr.K.S.Narayanan,
No.27, Nynon Street, Gurupuram,
Chennai – 18.

..Defendants

A.Nos.349, 487 to 489 of 2021:

Mr.K.N.Ramanathan,
S/o Mr.K.S.Narayanan,
No.27, Nynon Street, Gurupuram,
Chennai – 18.

..Applicant/2nd Defendant
in all applications

-Vs-

1. Mrs.Lakshmi Ramachandran
W/o. Mr.Ramachandran,
No.12A/2, Subramanian Koil Street,
Rajaji Nagar, Zamin Pallavaram,
Chennai – 600 043.

2. Mrs.S.Balasaraswathy,
W/o Mr.V.Sriram,
Plot No.77, V.G.P.Shanthi Nagar,
Bharathi Street, Pallikaranai,
Chennai - 100.

3. Mrs.R.Rajeswari,
W/o Mr.Ramji,
New No.21 (Old No.8) First Floor,
B.B.Road, Vyasarpadi,
Chennai – 39.

..Respondents 1 to 3 /Plaintiffs 1 to 3
in all applications

4. Mr.K.N.Srinivasan,
S/o Mr.K.S.Narayanan,
No.41/1, Subramaniam Street,
Abiramapuram, Chennai - 600 018.

..4th Respondent/1st Defendant
in all applications

A.No.349 of 2011:

This application praying that this Hon'ble court be pleased to condone the delay of 18 days in filing the Application to set aside the Exparte order dated 20/11/2020.

A.No.487 of 2021:

This application praying that this Hon'ble court be pleased to set aside the order dated 20/11/2020 setting forth the Applicant exparte.

A.No.488 of 2021:

This application praying that this Hon'ble court be pleased to condone the delay of 795 days in filing the Written Statement.

A.No.489 of 2021:

This application praying that this Hon'ble court be pleased to Reopen/Recall the evidence (PW1) and permit the Applicant to set forth their objections to the documents marked by the Plaintiff (PW1) on 18/12/2020 and further cross examine the PW1.

These applications are coming on this day before this Court for

hearing the court made the following order:

Heard both sides. Mr.Arun Pradesh, learned counsel, takes notice on behalf of the respondents 1 to 3 / plaintiffs.

2. A.No.349 of 2021 has been filed to condone the delay of 18 days in filing the application to set aside the *ex parte* order dated 20.11.2020; A.No.487 of 2021 has been filed to set aside the *ex parte* order dated 20.11.2020 setting forth the applicant *ex parte*; and A.No.488 of 2021 has been filed to condone the delay of 795 days in filing the written statement.

3. Today, when these applications are taken up for hearing, the learned counsel appearing for the first respondent appeared through Video Conferencing and made submission that he has no objection in allowing the above referred applications.

4. It is seen that the application to set aside the *ex parte* order has been filed with a delay of 18 days, only because of the reason that the first defendant has not filed written statement within a stipulated period, the *ex parte* order has been passed against him. On the other hand, today, along with the application filed to set aside the *ex parte* order, the first defendant has filed the written statement. Therefore, in order to give a fair opportunity

to the applicant to proceed with the trial, all these applications are allowed.

5. Written statement received. List the matter on 22.02.2021 for framing issues.

Sd/-R.P.A.J.
15.02.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/18.02.2021 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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