

A.No.3361 of 2021
in C.S.No.472 of 2008

N.SESHASAYEE. J.,

The suit is for specific performance, in which, the very defendants 5 to 8 had filed written statement even in 2011. The suit is also made a way to trial, DW1 was being cross examined, about that time, the counsel appearing for D5 to D8 passed away and consequent to that these defendants were set exparte.

2.Learned counsel for the defendants 5 to 8 makes a statement that these defendants have triable issue in the case and the exparte order came to be passed against them since the said occasion arose due to the demise of their counsel.

3.Heard the plaintiff.

4.This Court is satisfied with the reasons stated in the application to set aside the exparte order passed against the defendants 5 to 8. Accordingly, **this application is allowed.**

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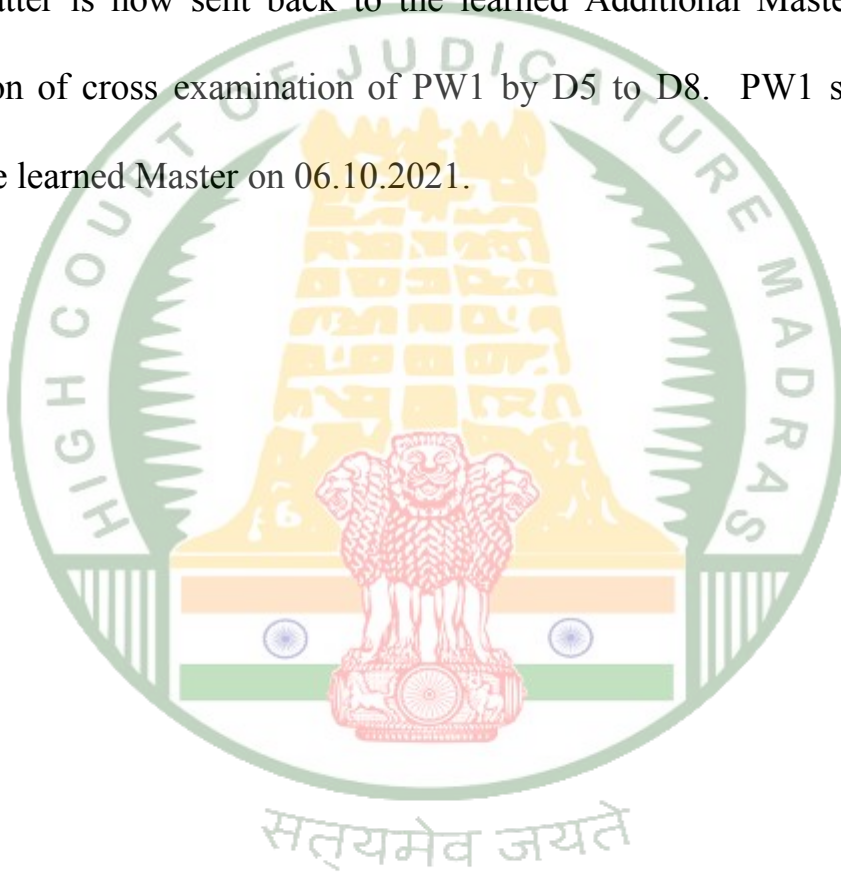
N.SESHASAYEE, J.

kas / dk

5.The matter is now sent back to the learned Additional Master No.I, for resumption of cross examination of PW1 by D5 to D8. PW1 shall appear before the learned Master on 06.10.2021.

kas / dk

23.09.2021



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