



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 8TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N. SESHASAYEE

A. No.4233 of 2021

in

C.S. No.197 of 2015

C.S. No.197 of 2015

Aban Infrastructure Limited

***(previously Aban Infrastructure Private Limited),**

Represented by its authorised signatory, Mr.N.V.Purandiran

Having registered office at Janpriya Crest,

No.113, Pantheon Road, Egmore,

Chennai-600 008.

***(Amended as per Order dated 26.07.2017**

made in Application No.3905 of 2017)

...Plaintiff

-Versus-

1.Trade Line

a firm of partntership, represented by its Partner,

Mr.Palayam Prabhakar Prashanth,

No.8, L & M, Century Plaza,

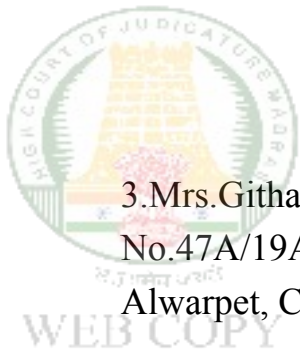
560-562, Mount Road,

Teynampet, Chennai 600 018.

2.Mr.Palayam Prabhakar Prashanth,

No.47A/19A, Venus Colony Second Street,

Alwarpet, Chennai 600 018.



3. Mrs. Githanjali Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

4. Varun Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

*** (4th defendant declared as major and 2nd
defendant/father discharged from
guardianship by order dated 5.1.2018
made in Application Nos. 52 & 53 of 2018)**

...Defendants

A. No. 4233 of 2021

1. Trade Line
a firm of partnership, represented by its Partner,
Mr. Palayam Prabhakar Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

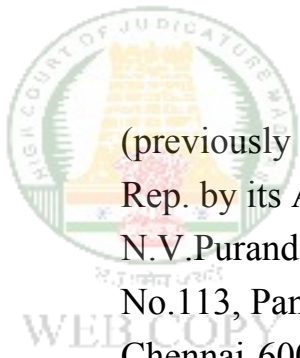
2. Mr. Palayam Prabhakar Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

3. Mrs. Githanjali Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

4. Varun Prashanth,
No. 47A/19A, Venus Colony Second Street,
Alwarpet, Chennai 600 018.

...Applicants/Defendants

-Vs-



(previously Aban Infrastructure Pvt Ltd)
Rep. by its Authorised Signatory,
N.V.Purandiran, Office at Janpriya Crest,
No.113, Pantheon Road, Egmore,
Chennai-600 008.

...Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to condone the delay of 1175 days in filing the set aside the exparte order dated 13.07.2018 in C.S. No. 197/2015.

This Application coming on this day before this court for hearing, the Court made the following order:-

The suit is laid for recovery of a sum of Rs. 1.15 crores with interest. The total suit claim including interest is Rs. 1,32,90,600/-. The defendants were served, they appeared and the matter was referred to mediation by this Court, but the mediation did not fructify positively. Thereafter, the suit came to be listed before the Court and the defendants came to be set ex parte since they did not file their written statement. The plaintiff has then obtained an ex parte decree on 13.07.2018.

2. Thereafter, the plaintiff had filed E.P. No. 51 of 2019 for arrest and detention of the judgment Debtors and E.P. No. 52 of 2019 for attachment and sale of the assets belonging to the partners of the defendant firm. By order dated 25.09.2019,

<https://hcsenadiv.rajahmundry.gov.in> attachment was ordered in E.P. No. 52 of 2019 and sale proclamation has been filed



before the Executing Court on 03.09.2021. It is in this background that the defendants have approached this Court with the present application to condone the delay of 1175 days in filing the petition to set aside the ex parte decree.

3.The facts are broadly stated and to turn to the specifics, it is not as if the defendants did not know about the pendency of the suit since they had participated. Secondly, it is not that the defendants as Judgment Debtors did not know about the Execution Petition since they had appeared and participated in the execution proceedings. This Court, therefore, does not find any rhyme or reason to condone the delay, which to this Court appears to be a strategy that the applicants have evolved to keep the decree-holder/respondent at bay.

4.In conclusion, the application is dismissed.

Sd/-NSSJ
08.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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PS 22/12/2021