



A.No.4037 of 2021
in C.S.No.49 of 2018

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N.SESHASAYEE.J.

This application has been filed to condone the delay of 273 days in filing the application to set aside the exparte order dated 27.11.2020 made in C.S.No.49 of 2018.

2.The defendant has been set exparte. The learned counsel for the defendant submitted that he was set exparte during Covid days and indeed his former counsel was also consumed by Covid.

3.Learned counsel for the respondent / plaintiff opposed it stating that the written statement is not yet filed. To this, the learned counsel for the defendant / applicant has filed an application for rejection of plaint and the application for rejection of plaint need not halt filing of the written statement, as it may cause inordinately delay in the progress of the suit.

4.Learned counsel for the defendant undertook to file the written statement within a period of two weeks from today.



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dk / kas

5.For the reasons stated by the learned counsel for the defendant and also subject to the undertaking given by the learned counsel for the defendant, this application is allowed.

18.11.2021

kas/dk

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