



A.No.2560 of 2022 in C.S No.978 of 2016



A.A.NAKKIRAN, J.

This application has been filed by the applicants/plaintiffs, to condone the delay of 278 days in filing the application for setting aside the order of dismissal dated 19.03.2021 and restore the same on the file of this Court.

2. Heard both sides.

3. The learned counsel for the applicants/plaintiffs submitted that after filing of the suit, there were some settlement talks going on between the parties. Subsequently, due to pandemic situation, the plaintiffs were unable to contact their counsel and inform about the failure of settlement talks and when the case was posted on 19.03.2021, the plaintiffs were unable to appear before this Court and hence, the suit was dismissed was default. The non-appearance of the applicants/plaintiffs on the aforesaid date is neither willful nor wanton, but due to the reasons stated above. Hence, he prays to condone the delay of 278 days in filing the set aside application.

4. The learned counsel for the respondents/defendants strongly opposed to allow this application.

5. Considering the facts and circumstances of the case, and in the interest of justice, by giving an opportunity to the plaintiffs to contest their case on merits. this Court is inclined to allow the application for condonation of delay, on payment of cost of Rs.500/- payable to the respondents/defendants.

6. The learned counsel for the applicants/plaintiffs has paid a cost of Rs.500/- directly to the learned counsel for the respondents/defendants and the learned counsel for the respondents/defendants has also made an endorsement to that effect.



A.A.NAKKIRAN, J.

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7. Accordingly, this application is allowed.

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8. Post the matter on 30.08.2022 for filing an application for setting aside the dismissal order dated 19.03.2021.

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29.07.2022

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