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O.A.Nos.67 to 69 of 2022
in
C.S.(Comm. Div.)No.20 of 2022
M.SUNDAR, J.,

Read this in conjunction with and in continuation of separate proceedings made in the main suit today (19.10.2022) which reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings made by Hon'ble predecessor Judge in the listing on 30.08.2022 which reads as follows:

'By order dated 16.08.2022, the plaintiff was permitted to file an application for substituted service and the said application is listed today.

2. Pursuant to previous orders permitting the plaintiff to take private summons on the defendant, the plaintiff filed affidavits of service enclosing the returned postal covers. The plaintiff has also stated that in spite of taking reasonable measures to locate an alternative address, the correct address could not be located. In these circumstances, this application is liable to be allowed. The applicant/plaintiff is directed to effect summons by publication in one issue of the English daily "Times of India" and one issue of the Tamil daily "Thina Thanthi" with circulation in Dindigul, Tamil Nadu. Such publication shall specify the next date of hearing as 19.09.2022. In addition, the applicant shall affix the notice on the Court



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Notice Board. List on 19.09.2022.'

2. Aforementioned proceedings speaks for itself. Adverting to aforementioned proceedings, Ms.T.Hemalatha, learned counsel on record for sole plaintiff submits that paper publications as directed by Hon'ble predecessor Judge have since been effected. Learned counsel submits that proof of publication vide D.No.26276 dated 16.09.2022 has been filed and the same is before this Commercial Division. This Commercial Division verified the publications and the same are in order. To be noted, returnable date is 19.09.2022. Name of defendant called out aloud thrice in Court and adjoining corridors but there was no representation. This Commercial Division is informed by the Registry that sole defendant has not entered appearance through any counsel. Sole defendant set ex parte in the main suit.

3. List the main suit for recording ex parte evidence before learned Master on 31.10.2022.

4. Learned counsel for plaintiff submits that only one witness is to be examined and the witness will be present before learned Master on 31.10.2022.

5. Learned Master is requested to record evidence on the same day and post the matter before Commercial Division (PBC) on 02.11.2022.

6. Learned counsel submits that written arguments is not necessary as it is ex parte evidence and this



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submission is recorded. Therefore, Registry to list this matter on 02.11.2022 under the cause list caption 'FOR ORAL ARGUMENTS'.

2. To be noted, as regards captioned three applications interim order granted by Hon'ble predecessor Judge on 21.02.2022 and extended from time to time and ultimately, extended until further orders vide proceedings dated 11.07.2022 is operating.

3. In the light of the proceedings made in main suit and in the light of submission that the respondent (defendant in the main suit) has been duly served in interlocutory applications also but the respondent has not chosen to come before this Commercial Division either in person or through counsel and oppose the applications, interim order already granted on 21.02.2022 is made absolute and Captioned applications are allowed. There shall be no order as to costs.

19.10.2022
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