



A.No.2182 of 2022
in CS.No.60 of 2021

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KRISHNAN RAMASAMY, J.,

This application has been filed to set aside the order of dismissal dated 15.02.2022 and restore C.S.No.60 of 2021 for being heard on merits.

2.It is seen that this Court vide order dated 15.07.2022, permitted the applicant/plaintiff to effect the service to the respondent through paper publication in one issue of Tamil daily "Makkal Kural". Accordingly, paper publication has been effected and proof of service has also been filed with the Registry.

3.Even though service has been effected and the name of the sole respondent/defendant has been printed in cause list, none appeared for the respondent/defendant.



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4.The present application has been filed to set aside the order of dismissal dated 15.02.2022 for non-payment of batta and to restore the suit in C.S.No.60 of 2021.

5.The learned counsel for the applicant/plaintiff has submitted that he has already paid batta to restore the suit.

6.In view of the above submission, since batta has been paid as stated by the learned counsel for the applicant/plaintiff, this Court is inclined to set aside the order passed by this Court on 15.02.2022.

7.Accordingly, this petition is allowed and the order of dismissal dated 15.02.2022 is set aside and C.S.No.60 of 2021 is restored to file.



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8.Registry is directed to issue fresh summons to the defendant returnable by 26.09.2022. Private summon is also permitted.

18.08.2022

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