



A.No.2282 of 2022
in C.S.No.629 of 2018

WEB CO **KRISHNAN RAMASAMY, J.,**

This Application has been filed seeking to set aside the *ex parte* order dated 02.03.2022 passed against the 5th defendant in CS.No.629 of 2018.

2.The learned counsel appearing for the applicant/5th defendant would submit that the 5th defendant has filed Written Statement as early as on 12.10.2020 itself in Diary No.15128 of 2020. Thereafter, it was returned by the Registry on 19.01.2021 to rectify certain defects and thereafter, the Written Statement was re-presented on 08.03.2021. However, once again it was returned only on 03.03.2022 but in the meantime, this Court vide order dated 02.03.2022, set the applicant/5th defendant *ex-parte*. Therefore, the learned counsel seeks to set aside the *ex-parte* order.

3.None appeared on behalf of the contesting respondent. However, the learned counsel appearing for the applicant/5th defendant



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KRISHNAN RAMASAMY, J.,

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would submit that on last occasion when the matter came up for hearing, the learned counsel appearing for the contesting respondent reported no objection for setting aside the *ex-parte* order dated 02.03.2022.

4.Considering the submission made by the learned counsel appearing for the applicant/5th defendant and in view of the fact that already the applicant had filed the Written Statement which was later re-presented after rectifying certain defects and in the interest of the justice, this Court feels it appropriate to set aside the *ex-parte* order.

5.Accordingly, the application is allowed and the *ex-parte* order dated 02.03.2022 is set aside.

Post the Suit in regular course.

24.06.2022

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