



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 8TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

A.No.1871 of 2022

in

C.S.No.163 of 2021

1. K.M.Sarala Devi
Wife of late K.T.Murugappan

2. K.M.Saravanan
Son of late K.T.Murugappan

Both are residing Old Door No.7,
New Door No.24, Pillaiyar Koil Street,
Park Town, Chennai 600 003.

.. Plaintiffs

Vs.

S.K.A.Syed Ibrahim
Son of S.K.Abdul Rahim
Old No.22, New No.50
Rajagopalan Street,
Chintadripet, Chennai 600 002.

.. Defendant

A.No.1871 of 2022:

S.K.A.Syed Ibrahim
Son of S.K.Abdul Rahim
Old No.22, New No.50
Rajagopalan Street,
Chintadripet, Chennai 600 002.

... Applicant

Vs.

1. K.M.Sarala Devi
Wife of late K.T.Murugappan



2. K.M.Saravanan
Son of late K.T.Murugappan

WEB COPY

Both are residing Old Door No.7,
New Door No.24, Pillaiyar Koil Street,
Park Town, Chennai 600 003.

.. Respondents

Application praying that this Hon'ble Court be pleased to set aside
the ex-parte order dated 25.03.2022 made in C.S.No.163 of 2021.

This Application coming on this day before this court for hearing,
the court made the following order:-

This application has been filed seeking to set aside ex-parte order
dated 25.03.2022 made in C.S.No.163 of 2021.

2.The learned counsel appearing for the applicant/defendant
submitted that the applicant/defendant was set ex-parte by this Court due to
the reason that the applicant/defendant failed to file the written statement on
or before 25.03.2022. He further submitted that on 25.03.2022 itself, the
applicant/defendant has filed written statement with the Registry vide
SR.No.9295 of 2021, however, the same has not been put up with the
bundle. Therefore, there is no failure on the part of the applicant/defendant.
Hence, he prayed to set aside the ex-parte order dated 25.03.2022.

3.When the matter came up for hearing on 06.06.2022, since the
name of the learned counsel appearing for the respondents/plaintiffs was not
printed in the cause list, this Court directed the Registry to print the name of
the learned counsel appearing for the respondents/plaintiffs and list the case
on 08.06.2022. Accordingly, the name of the learned counsel appearing for



the respondents/plaintiffs is printed and the matter is listed today. However, there is no representation on behalf of the respondents/plaintiffs.

4.Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for the applicant/defendant that pursuant to the direction of this Court, the applicant/defendant has filed the written statement on 25.03.2022, which is well within the stipulated time, this Court feels that it would be appropriate to set aside the ex-parte order dated 25.03.2022.

5.Accordingly, the ex-parte order dated 25.03.2022 is set aside and the Application is ordered. The Registry is directed to post the Suit in the regular course.

Sd./-KRJ.

08/06/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK 13/06/2022