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A.No.1914 of 2022 in
CS.No.388 of 2020

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P.VELMURUGAN, J.

This application has been filed to set aside the exparte order dated 25.03.2022 passed against the first defendant in C.S.No. 388 of 2020.

2. Learned counsel for the applicant/first defendant would submit that the written statement of the first defendant was submitted on 24.03.2022 along with an application to condone the delay of 386 days in filing the written statement. He would also submit that now the Registry has returned the written statement as already exparte order has been passed.

3. Heard the learned counsel and perused the materials available on record.

4. The suit summons served on the first defendant on 20.01.2021. Till 24.03.2022, the applicant/first defendant has not chosen to file the written statement, though no stay for filing the written statement has been granted in the O.S.A filed by them. Therefore, under this circumstances, the contention raised by the learned counsel for the applicant is not acceptable. Since the written statement has not been filed within the stipulated time mentioned in the suit summons, the Registry has returned the written



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statement. Therefore, this Court is not convinced with the reasons stated in the affidavit and the contention raised by the applicant. Since it is an exparte order, this Court is inclined to allow this application on payment of costs.

5. The applicant/first defendant is directed to pay a sum of Rs.1,00,000/- to the Bar Council of Tamil Nadu and Puducherry on or before 10.06.2022 and file the receipt before the Registry on or before 15.06.2022.

6. On receipt of the said amount, the Bar Council of Tamil Nadu and Puducherry shall utilise the funds for the family of the Advocates who died due to Covid-19.

9. Post the matter on 16.06.2022 for compliance.

29.04.2022

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Note: Registry is directed to remit the funds received from the parties towards conditional order passed by this Court between 7th February 2022 and 29th April 2022 to the Bar Council of Tamil Nadu and Puducherry. On receipt of the said funds, the Bar Council of Tamil Nadu and Puducherry shall utilise the funds for the family of the Advocates who died due to Covid-19



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