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A.No.2482 of 2022**in****C.S.No.393 of 2019****KRISHNAN RAMASAMY, J.,**

This application has been filed to grant leave to the applicant to file the documents.

2.It is seen from the records that D1 was set *ex-parte* in the main suit and D2 represented by his counsel Mr.P.S.Ratnamani, though he is the counsel on record, he is supposed to have receive the papers with regard to any application. The learned counsel for the plaintiff submitted that he has refused to receive the present application papers. Therefore, he has sent the papers to D2 directly through private notice but the same were un-served and returned with an endorsement "no such person".

3.In view of the above, this Court is of the *prima facie* view that the tactics followed by the second respondent is only to delay the proceedings in the suit. Hence, this Court is not inclined to entertain the same any more.

KRISHNAN RAMASAMY, J.,

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4.Since the first defendant already set *ex-parte*, in the interest of justice and for fair adjudication, this Court is inclined to allow the application. Accordingly, this application is allowed.

5.Since the issues have already been framed in this matter, Registry is directed to list the matter on 28.07.2022, before the learned Additional Master II, for recording evidence.

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18.07.2022

A.No.2482 of 2022