



A.No.3278 of 2022
in C.S.No.92 of 2020

Krishnan Ramasamy, J.,

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This Application has been filed seeking to set aside the exparte order dated 19.04.2022 against 2nd defendant in C.S.No.92 of 2020 for non-filing of written statement by the applicant/2nd defendant and allow the applicant/2nd defendant to file written statement and defend the suit on merit.

2. Learned counsel appearing for the applicant/2nd defendant would submit that initially he filed a written statement on 07.02.2022 but it was wrongly named as counter and the same was represented on 21.02.2022 and this Court was pleased to consider the same and recorded that 2nd defendant filed written statement. However, Registry is not able to put up the written statement since the nomenclature of the heading was named as counter. Therefore, when the matter came up on 19.04.2022 applicant/2nd defendant and 1st defendant were set exparte.

3. The learned counsel appearing for the respondent/plaintiff though formally made objection, thereafter, he fairly submits that this application may be considered on merits. He further submits that he would file an application to file rejoinder to the written statement filed by the 2nd defendant since he has to bring to the knowledge of this Court to record the subsequent events.

4. This Court is satisfied with the reasons stated in the affidavit filed in support of this Application and the submissions made by the respective counsel. Accordingly, this Application stands allowed as prayed for. Further, it is up to the respondent/plaintiff to file appropriate application to grant permission to file reply statement, if he desires so.

5. Post the matter on 26.08.2022.

10.08.2022

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