



A.No.3519 of 2022 in C.S.No.31 of 2022

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KRISHNAN RAMASAMY.J.,

This application has been filed seeking to set aside the exparte order dated 23.11.2021 passed against the applicants in Tr.C.S.No.31 of 2022 (previously O.S.No.7792 of 2021).

2. It is submitted by the applicants/defendants 6 to 13 that the pendency of the suit was not known to them until the plaintiff's counsel issued notice with regard to A.No.2333 of 2022, as all the Court summons and private notices issued to them were returned/received by the defendants 1 to 4 without the knowledge of the applicants and the same did not reach to them. They would further submit that they have been paying the rent regularly to the defendants 1 to 4 and they have not committed any default in paying rent. Therefore, the applicants/defendants 6 to 13 would submit that the failure to enter appearance was neither willful nor wanton but only to the fact that they were not aware of the pendency of the suit. Hence, the applicants/defendants 6 to 13 filed this application praying to set aside the exparte order dated 23.11.2021.

3. The learned counsel appearing for the respondents have no objections for the same.



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4. This Court is satisfied with the reasons stated in the affidavit filed in support of this Application. Accordingly, this Application stands allowed as prayed for. Further, the respondents 5 to 13/tenants are permitted to deposit their respective rents in terms of the order passed by this Court on 07.04.2022 in O.A.Nos.121 & 122 of 2022.

5. Post the main suit on 21.09.2022. Learned counsel for the respondents in A.No.3567 of 2022 are directed to file their counter.

24.08.2022

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