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A.Nos.4198 & 4199 of 2022

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in
C.S.No.366 of 2020

C.V.KARTHIKEYAN, J.

Both these applications have been filed by the 3rd, 4th, 5th and 6th defendants, seeking to set aside the ex-parte decree dated 25.03.2022 and also seeking to condone the delay of 512 days in filing the written statements in the suit.

2. The suit had been filed by the plaintiffs seeking a Preliminary decree that the plaintiffs are entitled to 6/16th share in the suit properties or in the alternate to 9/28th share in the suit properties and thereafter, to pass a final decree in accordance with law.

3. An ex-parte decree had been passed on 25.03.2022, owing to the decision taken by the defendants not to participate in the proceedings. The 3rd – 6th defendants have come forward to these applications seeking to set aside the ex-parte decree and seeking permission to condone the delay of 512 days in filing the written statements.

4. In the affidavit filed, it had been stated that the applicants, one after the other suffered from Covid-19 and quarantined themselves for a considerable period and they could not therefore file the written statements within the stipulated period. They were therefore set ex-parte and an ex-parte decree was also passed.



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5. It was also stated that in the intermittent period, there was also lock down owing to the Covid-19 pandemic. Along with the written statements, a reference had been made to a Will and documents to that effect had been filed. The copies have also been served to the learned counsels.

6. In view of the fact that it is only be appropriate that the parties are given an opportunity to put forth their respective views, I would set aside the ex-parte decree, in so far as the present applicants namely the 3rd to 6th defendants are concerned and also condone the delay in filing the written statements by the said 3rd to 6th defendants.

7. In view of the same, these applications stands allowed.

14.10.2022
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