



WEB COPY



A.No.No.4594 of 2022 in TOS.No.20 of 2020

A.No.4594 of 2022
in
T.O.S.No.20 of 2020

G.CHANDRASEKHARAN,J.,

This application is filed to set aside the ex-parte order dated 15.07.2022.

2.The learned counsel for the applicants submitted that when the matter was called on 15.07.2022, the counsel Mr.G.Balasubramanian had symptoms of Covid-19 and due to that reason he was not able to appear before the Court. His name was also not printed in the cause list on 15.07.2022 in TOS No.20 of 2022. Under the circumstances, he was not able to appear and therefore the applicants were set ex-parte.

3.The learned counsel for the respondent/plaintiff opposed this application.

4.It is seen from the adjudication orders of the learned Master that after the applicants were set ex-parte, the matter was sent to the learned



A.No.No.4594 of 2022 in TOS.No.20 of 2020

Master for recording ex-parte evidence. Despite listing the case for two hearings for recording evidence, it appears ex-parte evidence was not recorded. Hence, the application is filed.

5.Considering the reasons stated in the affidavit and also the submissions of the learned counsel for the applicants that due to Covid-19 symptoms and the applicants' counsel name was not printed in the cause list and he had not appeared, resulting in setting the applicants ex-parte, this Court finds valid reason for non-appearance of the counsel for the applicants and therefore, the ex-parte order passed against the applicants on 15.07.2022, is set aside.

6.Post the mater for filing the written statement of D2 to D8. It is also represented by the learned counsel for the applicants/defendants that 1st defendant in this case died. Therefore, the respondent/plaintiff is directed to take steps for impleading the legal representatives of the deceased 1st defendant. At this juncture, the learned counsel for the plaintiff submitted that the plaintiff and the defendants 2 to 8 are the legal



A.No.No.4594 of 2022 in TOS.No.20 of 2020

representatives of the deceased 1st defendant. It is recorded. However, the learned counsel for the defendants 2 to 8 submitted that one of the daughters of 1st defendant is not impleaded. The learned counsel for the respondent/plaintiff is directed to take steps to implead the left out legal heir of the deceased 1st defendant. Leave is granted.

20.10.2022

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