



A.No.7309 of 2019

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in C.S.No.111 of 2019

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KRISHNAN RAMASAMY.J.,

This application has been filed by the applicants/1st and 4th defendants, seeking to set aside the *ex parte* decree dated 20.08.2019 and restore the above application A.No.1072 of 2019.

2. According to the first applicant, he could not contact his counsel when the matter was listed on 20.08.2019 since, he suffered severe heart-attack and was admitted in Intensive Care Unit, which led this Court to set the applicant *ex parte* and allowed the application A.No.1072 of 2019 filed for attachment before judgment. Therefore, the learned counsel appearing for the applicants would submit that the absence of the first applicant on 20.08.2019 is neither wilful nor wanton and hence, he seeks to set aside the *ex parte* order dated 20.08.2019 and restore the application A.No.1072 of 2019.

3. The learned counsel appearing for the respondents also have reported no objection to this application.



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Pns

4. Considering the facts and circumstances and submissions made by the learned counsel for the applicants, in the interest of justice, this Court feels it appropriate to give an opportunity to the applicants to defend the suit, to allow this application.

5. Accordingly, this application is allowed.

24.08.2022

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