



A.No.1066 of 2023

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in
C.S.No.435 of 2017

C.SARAVANAN, J.

This application has been filed to set aside the order of dismissal for default dated 06.01.2023 and restore the above suit in C.S.No.435 of 2017 to the file of this Hon'ble Court.

2. The respondents/defendants have already been set *ex-parte*. However since there was no representation on behalf of the applicant/plaintiff, the above suit was dismissed for non-prosecution on 06.01.2023. Meanwhile, after the suit was dismissed, the applicant/plaintiff has come forward with this application on 03.02.2023, wherein, it has been stated that the name of the learned Counsel for the applicant/plaintiff was not printed in the Cause List and the name of the previous Counsel, who was engaged was printed and therefore, the case went unrepresented on 06.01.2023.



A.No.1066 of 2023

3. Paragraph 5 of the affidavit filed by the applicant/plaintiff reads as under:-

"5. I most respectfully submit that recently upon verification in the High Court website, I was shocked to note that the above case was dismissed for default on 06.01.2023, I immediately contacted my counsel and verified with the registry and came to know that the above fact that on earlier occasions namely 21.04.2022, 09.06.2022, 16.06.2022 etc., till 17.11.2022 my present counsel name was printed in the cause list and the case was prosecuted by my counsel, however on 03.01.2022 and 06.01.2022 my present counsel name was not printed in the cause list, hence could not appear before this Hon'ble Court resulted in the dismiss for default."

4. Being satisfied with the reasons given in the affidavit filed in support of this application, this application is allowed.

23.02.2023

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(1/2)