



A.No.2682 of 2023
in C.S.No.47 of 2021

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R.N.MANJULA, J.

This application has been filed by the defendant in the above suit seeking to set aside the *ex parte* order dated 06.07.2022.

2. The respondents / plaintiffs have filed a suit against the applicant / defendant for recovery of money. Since the applicant did not chose to file his written statement by making his appearance, he was set *ex parte* on 06.07.2022.

3. The learned counsel for the applicant / defendant submitted that his father was not well on 06.07.2022 and he was in a compelling circumstance to admit his father in the hospital and his father had to undergo Kidney Transplantation and that is the reason why he could not make his appearance on the said day. It is further submitted by the learned counsel for the applicant that the applicant has also filed his written statement at the time of filing the application to set aside the *ex parte* order itself.

4. The learned counsel for the respondents / plaintiffs submitted that the applicant had chosen to file this application at a belated stage just to protract the proceedings and to deprive the plaintiffs from getting the decree at the earliest.

5. Though the hardship undergone by the respondents / plaintiffs is



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understandable, considering the reasons stated by the applicant / defendant, I feel that the application can be allowed on the condition that the applicant shall pay a sum of Rs.1,500/- as cost to the respondents / plaintiffs.

6. The learned counsel for the applicant has agreed and paid a cost of Rs.1,500/- directly to the learned counsel for the respondents / plaintiffs. The learned counsel for the respondents/ plaintiffs has also acknowledged the same.

7. Accordingly this application is allowed.

04.07.2023
(¹/₂)

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