



A.No.2647 of 2023
in C.S.No.886 of 2016

R.N.MANJULA, J.

This application has been filed to set aside the order of dismissal for default dated 10.03.2023 in C.S.No.886 of 2016 and restore the same.

2. Affidavit of Service has been filed to show that private notice against respondents 1 to 3 / defendants served. However, there is no representation for respondents 1 to 3 despite notice has been served upon them. Hence respondents 1 to 3 are called absent and set *ex parte* in this application.

3. The learned counsel for the applicant / plaintiff submitted that on 10.03.2023 when the matter was listed under the caption “For Undefended Board”, the learned counsel omitted to take notice of the same and that lead to the dismissal of the suit. It is further submitted that for the mistake on the part of the counsel, the party should not get affected.

4. Having satisfied with the reasons stated in the affidavit filed in support of this application and considering the above submission, this application is allowed.