



A.Nos.694, 696 of 2023

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in C.S.No.552 of 2019

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SENTHILKUMAR RAMAMOORTHY, J.

The first defendant has presented two applications. The first application is to set aside the *ex parte* order dated 19.04.2022 and the second application is to condone the delay of 698 days in filing the written statement.

2. In paragraph 6 of the affidavit in support of the application to set aside the order dated 19.04.2022, it is stated that proceedings for the appointment of a guardian for the second defendant were pending. In addition, the first defendant states that he was unable to provide requisite instructions both on account of ill-health and the Covid-19 pandemic. Learned counsel for the plaintiff has no serious objection to this application being allowed. Upon examining the reasons set out in the affidavit and being satisfied that sufficient cause is shown, this application is allowed by setting aside the order dated 19.04.2022 by which the first defendant was set *ex parte*.



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3. The application to condone delay is consequential thereto. The first defendant has stated that the written statement was filed earlier but was returned because the first defendant was set *ex parte*. Upon being satisfied that sufficient cause is shown, this application is allowed. Consequently, the Registry is directed to receive the written statement of the first defendant.

4. List the matter on 22.02.2023.

15.02.2023

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