



A.No.2351 of 2023 in

TOS.No.37 of 2022

R.N.MANJULA,J.

The applicant is the defendant. This application has been filed to set aside the exparte order passed against the applicant / defendant in TOS.No.37 of 2022 on 21.03.2023.

2. It is submitted by the learned counsel for the applicant/defendant that the written statement of the defendant has already been prepared and served on the plaintiff; but again, summons was served on her; the applicant approached her counsel and he advised her to file written statement within 14 days from 03.02.2023; as per his instructions, the written statement is said to have been filed in Court; but the applicant came to know later that the written statement has been filed and returned due to some defects and the same is now re-presented.

3. For the counsel's mistake, the party should not be affected. Taking into consideration of the extraneous situation wherein the defendant had



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R.N.MANJULA,J.

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prepared the written statement as per the instructions of her counsel, but it was omitted to be re-presented in time by her counsel, I feel this application should be considered leniently and allowed.

4. Accordingly, this application is allowed.

05.06.2023

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