



**C.M.P.No.15574 of 2023**  
**in C.R.P.No.441 of 2023**

WEB COPY **V.BHAVANI SUBBAROYAN, J.**

C.M.P.No.15574 of 2023 has been filed to set aside the exparte order dated 15.03.2023 in C.R.P.No.441 of 2023 on the file of this Court.

2.Heard learned counsel for the petitioners and learned counsel for the respondents.

3.On perusal of proceedings, it is seen that on 08.03.2023 notice was ordered for the hearing date as 15.03.2023. Court notice service awaited on 14.03.2023 and the Affidavit of Service was not filed for the private notice. When the matter was taken up for hearing on 15.03.2023, learned counsel for the petitioners had not filed any acknowledgment card to prove that the notice had been served on them. Learned counsel for the petitioners has filed only a cover which has been sent to them as proof. The Registry has not verified whether the notice was served on the respondents, when it was awaits service of notice on 14.03.2023 without informing the same to the Court, when the Court had questioned the same, it has been stated that the same has been answered as there is no representation on the side of the respondents 1 to 8.



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4.Learned counsel for the respondents submitted that they received notice only on 16.03.2023 for the appearance on 15.03.2023. He further submitted that without providing an opportunity of hearing to the respondents, this Court had allowed the Civil Revision Petition on 15.03.2023 and therefore, he prays to set aside the exparte order dated 15.03.2023 in C.R.P.No.441 of 2023.

5.Considering the facts and circumstances of the case and the submission made by the learned counsel for the respondents, this petition is ordered as prayed for.

6.This Court is of the view that the order has been obtained without even giving opportunity to the respondents. Therefore, this Court is inclined to recall the earlier order passed by this Court dated 15.03.2023. Accordingly, the order dated 15.03.2023 is recalled.

7.Post the matter on 14.09.2023.

8.The Trial Court is directed to maintain status quo till such time.

**21.08.2023**



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**21.08.2023**