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A.Nos.1420 & 1421 of 2023 in
C.S.No.433 of 2013 and
A.Nos.1349 & 1350 of 2023 in
C.S.No.434 of 2013

R.N.MANJULA,J.

The Applications in A.Nos.1421 of 2023 in C.S.No.433 of 2013 and A.No.1350 of 2023 in C.S.No.434 of 2013 have been filed to condone the delay of 2889 & 3030 days respectively in filing the written statement in the above suits.

2. The applicants in A.No.1421 of 2023 are the defendants 1,2,4,10,12 to 14 and the applicant in A.No.1350 of 2023 is the fourth defendant in the respective suits.

3. The records would show that the earlier the very same applicants have filed two applications in A.Nos.4691 & 4312 of 2021 to condone the delay in filing the petition to set aside the exparte decree that has been passed on 23.12.2016 and 04.04.2017 respectively. In the said applications, a conditional order has been passed as early as on 08.06.2022 by allowing the applications on complying certain



conditions. Thereafter, the matter has not been listed for reporting compliance.

4. However, the learned counsel for the respondents submitted that out of the two conditions that has been imposed in the above said applications, first condition is complied. But the second condition as to the payment of 25% of the amount for damages claimed by the plaintiff in the suit is not complied.

5. It is neither the submission of the learned counsel for the applicants that those orders have been challenged. Without getting the exparte decrees set aside, once again the applications have been filed to condone the delay in filing the written statement. Receiving the written statement will not arise unless and until the exparte decrees already passed are set aside. So, these applications are not maintainable. Therefore, the applications in A.Nos.1421 & 1350 of 2023 are dismissed as not maintainable.



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6. Since the applications in A.Nos.1420 & 1349 of 2023 are filed to set aside the exparte decree which can be only consequent to allowing the applications already filed for condoning the delay, those applications are pre-matured and hence, the applications in A.Nos.1420 & 1349 of 2023 are closed.

17.03.2023

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