



C.S.No.57 of 2006

A.No.1670 of 2023 in
C.S.No.57 of 2006

R.N.MANJULA,J.

The applicants are the defendants 1 and 2 who had chosen to file the application to condone the delay of 4541 days in filing the application for setting aside exparte Judgment and Decree in C.S.No.57 fo 2006.

2. The learned counsel for the 1st respondent/plaintiff submitted that even when the application was filed, the 1st respondent / plaintiff was no more and the application has been filed against a dead person.

3. The application itself seems to have been filed with great difficulty due to missing of certain essential records. Even during the last hearing, the learned counsel for the applicant had undertaken to withdraw the application to file a fresh one in view of the death of the plaintiff. However, it has not been withdrawn.

4. Pursuant to the same, now the learned counsel for the applicants sought permission of this Court to withdraw this application with liberty to file a fresh application. He has also made an endorsement to that effect.



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5. In view of the above, this application is dismissed as withdrawn with liberty to file a fresh one after rectifying the above defects.

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