



A. No.4802 of 2023
in
C.S. No.237 of 2019

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ABDUL QUDDHOSE, J.

This Court by its order dated 06.12.2022 passed in A. No.4455 of 2022 in O.A. No.369 of 2019 in C.S. No.237 of 2019 permitted the applicant to lead Secondary Evidence in respect of the documents mentioned in the Judges summons to that application.

2. According to the applicant in A. No.4802 of 2023 by inadvertence some of the documents were left out in the earlier application. In order to include those documents, this application has been filed. Since, this Court had already granted an order in A. No.4455 of 2022 on 06.12.2022 and the documents mentioned in the Judges summons to this application have been inadvertently left out, this application has to be allowed as prayed for.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application. The defendant has already been served with the suit summons and their right to file the written statement



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has also been forfeited with effect from 22.09.2020. Even though the counsel had earlier entered appearance on behalf of the defendant, there is no representation on the side of the defendant, today.

4. For the foregoing reasons, A. No.4802 of 2023 is allowed as prayed for and the applicant is permitted to lead Secondary Evidence in respect of documents mentioned in the Judges Summons. Since, there is no representation on the side of the defendant and their right to file the written statement has also been forfeited, they are set exparte by this Court.

5. Post the matter for recording of evidence before the Additional Master – III.

6. Once, the evidence is recorded, Registry is directed to list the matter before this Court for Case Management Hearing on 19.10.2023.

10.10.2023

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