



A.No.4268 of 2022

RESERVED ON 07.06.2023	PRONOUNCED ON 26.06.2023
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A.No.4268 of 2022
in E.P.No.2 of 2018

K.KUMARESH BABU,J.

This Application had been filed seeking to restore the execution petition in E.P.No.2 of 2018 in C.S.No.306 of 2013 which had been dismissed for default, after recording the fact that there had been no representation on the side of the applicant on earlier occasions on either side and therefore, the same had been listed under the caption “for default” on 03.08.2022. Even on that date, there was no representation. Hence, the E.P. had been dismissed for default. The applicant had filed an affidavit that the learned counsel had not informed the applicant about the adjournment date, therefore, she could be not be held to be on fault.

2.I do not propose to enter upon the allegations as the applicant had not made any complaint against her erstwhile counsel. The learned counsel appearing on behalf of the respondent would not have any serious



A.No.4268 of 2022

objections to the claim made by the learned counsel for the applicant.

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3.In view of the fact that the learned counsel appearing on behalf of the respondent would have no serious objection, the above captioned application is allowed. But, however considering the fact that the applicant had not been represented before the learned Master for number of occasions, there shall be cost of Rs.5,000/- (Rupees Five Thousand only) payable to the Tamil Nadu Legal Services Authority, Chennai by the applicant. It is also made clear that the Execution Proceedings shall be restored on compliance of the above conditions, but, however, shall not be proceeded with till the disposal of the application filed by the 1st respondent seeking to set aside the ex-parte decree is disposed of by this Court.

4.Accordingly, this application is allowed on the above terms.

26.06.2023

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2/3



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A.No.4268 of 2022

K.KUMARESH BABU,J.

Gba

A Pre-delivery order in

A.No.4268 of 2022
in E.P.No.2 of 2018

26.06.2023

(2/2)