



WEB COPY

A.No.4343 of 2023 in

C.S.No.48 of 2022

R.N.MANJULA,J.

This application has been filed by the applicant / defendant to set aside the exparte order dated 31.07.2023 made in the above suit.

2. No representation for the respondent.

3. The learned counsel for the applicant / defendant submitted that the applicant was set exparte, since he has not filed any written statement in the above suit. He further submitted that the written statement was prepared and signed on 31.07.2023. However, the copy of the same could not be served upon the plaintiff and that had caused the delay.

4. Since the matter was listed under the caption for "undefended board" on 31.07.2023, the defendant was set exparte. Since the applicant has stated that he has filed an application to condone the delay of 455 days in filing the written statement and same is yet to be numbered, I feel this application should be allowed. Even though the affidavit of the applicant filed along with the application is seen to be containing two



prayers, this application is allowed only in respect of setting aside the
exparte order dated 31.07.2023 alone.

5. Accordingly, this application is allowed.

28.08.2023

gsk

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