



WEB COPY



A. No.5310 of 2023

A. No.5310 of 2023
and
C.S. (COMM. DIV.) No.102 of 2023
and
O.A. Nos.386, 387 of 2023
and
A. No.2543 of 2023 and 2547 of 2023

ABDUL QUDDHOSE, J.

A. No.5310 of 2023 has been filed to set aside the exparte order dated 01.08.2023 passed by this Court in the suit. The applicant is the defendant in the suit. They have been set exparte by this Court on 01.08.2023. The applicant has stated in the affidavit that only due to his old age and ill health there was a delay in contacting his counsel, which has resulted in filing of this application seeking to set aside the exparte order, dated 01.08.2023.

2. A counter affidavit has been filed by the respondent denying the contentions of the applicant and stating that no sufficient cause has been shown by the applicant for setting aside the exparte order dated 01.08.2023.

3. After giving due consideration to both the affidavit filed in support of this application as well as to the counter affidavit filed by the respondent, this Court is of the considered view that sufficient cause has been shown by the applicant / defendant to set aside the exparte order



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dated 01.08.2023. The applicant is aged 61 years and in his affidavit he has pleaded that he has been suffering from medical ailments.

4. Considering the said fact, this Court is allowing the application (A. No.5310 of 2023) by setting aside the exparte order, dated 01.08.2023 passed in C.S. (Comm. Div.) No.102 of 2023.

5. A written statement has also been filed, but since there is a delay in filing the same, the said written statement has not been taken on record.

6. The learned counsel for the applicant / defendant would submit that a condone delay application has also been filed into the Registry.

7. Registry is directed to number the condone delay application filed by the applicant seeking to condone the delay in filing the written statement, if it is available and if it is otherwise in order and list the same on the next hearing date.

Post the matter on 15.11.2023.

20.10.2023

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