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A.No.4344 of 2023
in C.S.No.379 of 2020

SENTHILKUMAR RAMAMOORTHY,J

The plaintiff has filed this application to condone the delay of 88 days in filing the application to set aside the order dated 18.04.2023 and to restore the suit.

2. Learned counsel for the 1st respondent submits that no counter is being filed in this application. Learned counsel for the applicant / plaintiff has placed on record the affidavit of service enclosing the returned postal cover in respect of service of notice on the 2nd respondent with the endorsement "no such person".

3. In the suit, the 1st defendant filed a written statement and stated that the said defendant's husband is Mr.Thirumalsamy and not Mr.Karnan as mentioned in the plaint. Learned counsel for the



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rna/gvn

applicant states that, therefore, necessary steps would be taken subsequently to replace Mr.Karnan with the appropriate person as the second defendant.

4. In these circumstances, sufficient cause has been shown by the applicant and this application is allowed as prayed for. Consequently, the Registry is directed to number and list the restoration application, if otherwise in order.

**14.09.2023
(1/2)**

rna/gvn

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