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A.No.129 of 2023

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in C.S.No.1 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

The first, fourth and fifth defendants have presented this application to set aside the order dated 14.09.2022.

2.In the affidavit in support of this application, it is stated that the defendants were set *ex parte* on account of non-filing of the written statement. By attributing responsibility to erstwhile counsel, it is stated that the defendants became aware of the *ex parte* order only in the first week of October 2022 and that the application was filed shortly thereafter.

3. Learned counsel for the plaintiff opposes this application on the ground that the reasons set out in the affidavit are untenable.

4. Upon examining the nature of the suit and the reasons specified in the affidavit in support of this application, this application is liable to be



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allowed on terms. Accordingly, this application is allowed subject to the payment of a sum of Rs.15,000/- as costs by the defendants to the plaintiff. Such sum shall be paid within a period of *two weeks* from the date of receipt of a copy of this order.

5. List the matter on 31.01.2023.

11.01.2023

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