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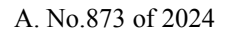
A. No.873 of 2024

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in
C.S. No.671 of 2013

ABDUL QUDDHOSE, J.

This application has been filed to set aside the order of the learned Master, dated 09.01.2014 passed in C.S. No.671 of 2013, wherein the learned Master had dismissed the suit for default as against the 2nd defendant.

2. Admittedly, both the defendants are set exparte by this Court. However, as seen from the affidavit filed in support of this application, it is stated that the representing counsel for the plaintiff could not reach the Court on time due to traffic jam. Infact as seen from the affidavit which is also confirmed through the Court records that the 2nd defendant against whom the suit has been dismissed for default by the learned Master was set exparte by this Court as early as on 08.06.2018 itself. The 2nd defendant has also not filed an application seeking to set aside the exparte order. Since the respondent defendant has already been set exparte by this Court, this Court is satisfied with the reasons given by the plaintiff for allowing this application. A categorical statement has been made by the plaintiff that only due to the reasons stated in the affidavit filed in support of this application, the learned counsel for the plaintiff did not make his appearance on the date of the hearing before the



3. Since sufficient cause has been shown by the plaintiff for restoring the suit which was dismissed for default as against the 2nd defendant, this Court is inclined to allow this application. Accordingly, this application is allowed as prayed for and the suit dismissed for default as against the 2nd defendant is restored to file.

4. The 1st defendant is also represented by a learned counsel. She seeks time to file an application seeking to set aside the exparte order passed by this Court as against the 1st defendant.

5. Post the matter on **06.03.2024**.

16.02.2024

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