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A.No.2013 of 2022 in

C.S.No.251 of 2020

C.V.KARTHIKEYAN, J.

This application has been filed by the first and second defendants seeking to set aside the order placing them *exparte* by the order dated 11.04.2022. The applicants/defendants 1 and 2 already filed a written statement and the same has been returned for certain compliance on 22.03.2022. On 11.04.2022, noting that the written statement has not been re-presented, the defendants 1 and 2 / applicants have been set *exparte*.

2. Heard the learned counsel for the plaintiff also.

3. The learned counsel for the plaintiff has filed a memo stating that the plaintiff Bank had filed an Insolvency Application under Section 95 of IBC before NCLT and the same was allowed and that moratorium is operating under Section 96 of IBC. It is stated that no effective order should be passed in the suit and must await orders from NCLT. If that be the case, the order setting the defendants 1 and 2 *exparte* cannot also be turned as a proper order. Therefore, the *status-quo ante* has to be restored by this



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Court. *Status-quo ante* would automatically bring the parties back to the suit. The written statement has been re-presented and has also been taken on record.

4. In view of these facts, without going into the merits, this Application is allowed and the order dated 11.04.2022 setting the defendants 1 and 2 *exparte* is set aside. The defendants are directed to participate in the trial proceedings.

19.06.2024

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