



**A.No.3940 of 2024**

**in**

**C.S. No.81 of 2012**

**P.B.BALAJI, J.**

This Application is filed to set aside the order of dismissal due to non prosecution dated 12.02.2024 and to restore the suit in C.S. No.81 of 2012 back to file of this Court.

2. The learned counsel for the respondent fairly submits that this Application can be ordered as prayed for.

3. I have perused the affidavit filed in support of the Application and I am satisfied with the reasons assigned therein and in view of the condone delay Application already been entertained by this Court, this Application is allowed and Suit is restored to file.

4. It is submitted that an impleading Application has been filed by the Applicant in A.No.3940 of 2024 to implead himself in the suit, in order to enable him to prosecute the suit, Registry is directed to number the impleading Application, if it is otherwise in order and list the matter on 06.08.2024. Registry is also directed to remove the noting mentioning that D1 and D2 were set exparte on 18.03.2013, since the exparte order has been set aside by this Court, subsequently.

5. Post the matter on 06.08.2024.

**02.08.2024**

rkp



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**P.B.BALAJI,**

rkp



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**02.08.2024**