



A.No.3340 of 2023 in
C.S.No.103 of 2021

N.SATHISH KUMAR, J.

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This application has been filed challenging the Order of the learned Master rejecting the application filed seeking leave to defend the suit filed under Order XXXVII Rule 3 Code of Civil Procedure.

2. The learned Master mainly dismissed the application on the ground that there is no triable issue in the suit and that there is no denial of the so called acknowledgment letter. Challenging the said Order, this application has been filed before this Court. Hence, leave has not been granted and subsequently, an ex parte decree has been passed on 13.04.2023.

3. In such view of the matter, this Court is of the view that the applicant has to challenge the decree and judgement in an appeal. He can also canvas his stand to leave to defend the suit in that appeal. As the decree has already been passed, the question of setting aside the Order passed in the application filed to leave to defend the suit does not arise at all.

4. Accordingly, this application is dismissed.