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A.No.1900 of 2024 in C.S.No.820 of 2014

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C.S.No.820 of 2014

P.VELMURUGAN, J.

This application has been filed by the 1st defendant to set aside the ex-parte order dated 03.11.2023 in C.S.No.820 of 2014, passed against them.

2. Pending trial, the applicant did not cross examine the witnesses and also not produced any evidence and since the case was pending for long time, the applicant/1st defendant was set ex-parte by this Court on 03.11.2023.

3. The learned counsel for the applicant submitted that the applicant and his father were directors of the 1st defendant company. The father of the applicant was originally following the legal issues including the present suit. During 2020, his father suffered health issues and was hospitalized and he died on 12.12.2023. The applicant was under the impression that this case is being taken care of by his father. After receipt of notice from the learned counsel for plaintiff for the applicant's appearance in the suit on 14.02.2024 only, he came to know that the



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evidence was completed and the matter is being posted for final arguments in the present suit. The learned counsel submitted that due to the above said reasons, the applicant was unable to cross examine P.W.1 and D.W.1 and also let in evidence. Hence, the present application is filed to set aside the ex-parte order dated 03.11.2023.

4. Though the present application is listed today for counter and disposal, no counter is filed which shows that the respondents have no serious objection.

5. The case is pending from 2014 onwards. Though P.W.1 was examined in chief, the applicant/1st defendant did not cross examine and that stage, the applicant/1st defendant was set ex-parte.

6. Though the reasons stated in the accompanying affidavit is not satisfied, in order to give an opportunity to the applicant/1st defendant, this application is allowed and the ex-parte order passed by this Court dated 03.11.2023, is set aside on payment of cost of Rs.50,000/- (Rupees Fifty Thousand Only).



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7. Since no counter affidavit is filed, the said cost has to be paid before Registry to the credit of "Chief Justice Relief Fund" on or before 27.06.2024.

8. List the suit on 28.06.2024.

14.06.2024

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