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A.No.2548 of 2024

in

C.S.No.48 of 2021

Dr.G.JAYACHANDRAN, J.

This application is filed to condone the delay of 738 days in filing the application to set aside the exparte decree.

2. The affidavit and the records indicates that the suit summon was not served to the defendants, but to a person by name Arulraj who claims to be the Manager of the defendants. However, the learned counsel appearing for the defendants states that they had not engaged any person as Manager and the suit summons were served to different address, whereas, the defendants are the resident of Sundaresan Nagar, Porur Garden, Chennai.

3. Counter filed by the plaintiff/respondent strongly oppose the application for condonation of delay on the ground that the applicants/defendants had knowledge about the suit and exparte decree and they had participated in the Execution Petition proceedings and the present application is filed belatedly and the reason for delay is not sufficiently explained.



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4. Taking note of the fact that two different address been given for the defendants and the suit summons, on verification, indicates that it was served to one Arulraj, who claims himself as Manager of the defendants, but the defendants disown any relationship of privity with the Arulraj. Therefore, in the interest of justice, the delay in filing the application to set aside the exparte decree has to be condoned and accordingly, condone delay application is allowed.

05.11.2024

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