



WEB COPY



A.No.3040 of 2024 in
C.S.(Comm Div) No.311 of 2023

SENTHILKUMAR RAMAMOORTHY,J

The defendant was set ex parte by order dated 29.04.2024 for not filing the written statement on or before 28.04.2024, as per the direction issued on 01.04.2024.

2. Learned senior counsel for the defendant submits that the written statement was filed on 26.04.2024 under Diary No.16531 of 2024. Consequently, he submits that the direction issued on 01.04.2024 was complied with. Without prejudice, he submits that the suit summons has not been served on the defendant as on date.

3. In response, learned counsel for the plaintiff submits that the defendant entered appearance through counsel in January 2024 and contested interlocutory proceedings.



WEB COPY



SENTHILKUMAR RAMAMOORTHY,J

kj

4. The Registry has made an endorsement that the written statement was filed under Diary No.16531 of 2024 within time and that such written statement was returned on 26.04.2024 for rectification of defects. In these circumstances, the order setting the defendant ex parte is liable to be set aside as prayed for in this application.

5. Therefore, Application No.3040 of 2024 is allowed by setting aside order dated 29.04.2024. As a consequence, the Registry is directed to receive the written statement and counter claim. The plaintiff is permitted to file the written statement in response to the counter claim on or before 30.08.2024.

05.08.2024

kj

A.No.3040 of 2024 in
C.S.(Comm Div) No.311 of 2023
(1/2)