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A.Nos.3893 & 3906 to 3910 of 2024
in C.S.(Comm.Div.) No.85 of 2024

SENTHILKUMAR RAMAMOORTHY,J

In A.No.3893 of 2024, the defendant seeks to set aside the order dated 25.06.2024 by which the defendant was set *ex parte*. Suit summons were served on the sole defendant on 24.04.2024. The defendant appears to have filed the written statement on 11.06.2024. The defendant was set *ex parte* solely on the ground that such written statement had been returned to rectify defects and such defects had not been rectified. In the affidavit in support of this application, it is stated that the return was taken on the same date and that an application to condone the delay was filed on 01.07.2024.

2. Learned counsel for the plaintiff submits that his main objection is to the modification of the written statement, which was served on him earlier.

3. Since the only ground on which the defendant was set *ex parte* was the failure to remedy the defects in the written statement filed on 11.06.2024, it is just and necessary that this application be allowed.



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4. Therefore, A.No.3893 of 2024 is allowed and the order dated 25.06.2024 setting the defendant *ex parte* is hereby set aside.

5. A.Nos.3906 to 3910 of 2024 are filed by third parties seeking to intervene in the suit. These applicants are members of the crew. Since the admiralty action is in *rem*, the members of the crew, who assert a claim in the nature of maritime lien, are required to be heard. Consequently, A.Nos.3906 to 3910 of 2024 are allowed as prayed for.

02.09.2024
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