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OSA.No.173/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

OSA.No.173/2023 & CMP.No.21027/2023

1.M/s.Vinjane Centre
a Partnership Firm rep.by its Partner
Cleetus Vincent

2.Cleetus Vincent

3.Mrs.Imelda Vincent
rep.by her General Power of Attorney
Agent, Vincent C.Aluvila

4.Mrs.Susan Mary

...Appellants

****Cause title accepted vide order of Court
and Vincent C.Aluvila recognised as
Power Agent to 3rd Appellant dated
28.08.2023 in CMP.Nos.19544 & 19546/2023
in OSA.SR.No.102978/2023**

Vs.

1.M/s.Aban Offshore Limited
rep.by its Senior Manager [Legal]
and Secretary S.N.Balaji
No.113, Pantheon Road
Egmore, Chennai 600 008.



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2.Aban Infrastructure Pvt Ltd
rep.by its General Manager [Commercial]
Puranidran
No.113, Pantheon Road
Egmore, Chennai 600 008.

... Respondents

Prayer : Original Side Appeal filed under Order XXXVI Rule 1 of OS Rules read with Clause 15 of the Letters Patent as against the fair and decretal order dated 05.06.2023 in A.No.1294/2020 in A.No.7622/2019 in EP.No.121/2017.

For Appellants : Mrs.Kamala Kumar

For Respondents : Mr.Viduthalai, Senior counsel for
Mr.D.Veerasekaran

JUDGMENT

[Judgment of the Court was delivered by S.S.SUNDAR, J.,]

- (1)The present appeal is directed against the fair and decretal order dated 05.06.2023 in A.No.1294/2020 in A.No.7622/2019 in EP.No.121/2017.
- (2)The applicant in A.No.1294/2020 sought to condone the delay of 333 days in filing an application to set aside the exparte order in the Execution Petition in EP.No.121/2017.
- (3)It is not necessary to go deep into the disputed questions of fact as learned



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counsels on either side tried to focus on the merits of the case.

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(4)Learned Senior counsel appearing for the respondents has no serious objection to condone the delay so that the issues raised on merits can be adjudicated by the Executive Court. This Court is also convinced that the appellants have given reasons explaining the cause for the delay.

(5)In the said circumstances, this Original Side Appeal stands **allowed** and the application in A.No.1294/2020 to condone the delay in filing an application to set aside the exparte order in A.No.7622/2019 in EP.No.121/2017 stands allowed.

(6)Having regard to the nature of dispute, this Court suggests the parties to go for a settlement or make an attempt for settling the issues. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [K.R.S., J.]
10.09.2024

AP
Index : Yes / No
Internet : Yes



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S.S. SUNDAR, J.,
and
K.RAJASEKAR, J.,

AP

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