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A.No.4878 of 2024

in

C.S.No.59 of 2024

Dr.G.JAYACHANDRAN, J.

This application is filed to set aside the exparte order dated 06.08.2024.

2. The reason stated for non participation in the proceedings and failure to file written statement is that the parties were involved in negotiations thought that filing a written statement will precipitate the issue.

3. The learned counsel appearing for the applicants/defendants states that application to set aside the exparte order was filed within the time along with the written statement and therefore, fair opportunity be given to the applicants/defendants to putforth the case.

4. Considering the facts and circumstances of the case, being the suit for declaration and partition and the defendants though did not filed the written statement within the time prescribed has come forward to file the written statement within a period of 30 days of he being set exparte.

Dr.G.JAYACHANDRAN, J.



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To arrive at just decision, opportunity must be given to the defendants. For the said purpose, the order of this Court dated 06.08.2024 is set aside. Based on the settlement deed, which is the subject matter of the suit, the 1st defendant is collecting the rent from the suit property. Hence the 1st defendant is directed to submit the statement of income derived from the suit property and the alleged proportion of the income shared with the plaintiff.

5. For framing of issues, post the matter on 26.11.2024.

05.11.2024

rpl

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