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A.Nos.4199 & 4200 of 2024
in
C.S.(Comm. Div.)No.46 of 2024

SENTHILKUMAR RAMAMOORTHY,J

By A.No.4199 of 2024, the applicant/defendant seeks to set aside the order dated 05.07.2024 setting the defendant ex parte for not filing the written statement. It is common ground between the parties that the suit summons were not served on the defendant when the order dated 05.07.2024 was issued. Such suit summons was served on learned counsel for the defendant on 13.08.2024 as per the Original Side Rules. In view of this factual position, the order dated 05.07.2024 cannot be sustained and is hereby set aside.

2. In view of the order setting the defendant ex parte being set aside, the Registry is directed to receive the written statement of the defendant, if otherwise in order.



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SENTHILKUMAR RAMAMOORTHY,J

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3. As regards A.No.4200 of 2024, pursuant to the service of suit summons on the defendant on 13.08.2024, adjudication thereof is unnecessary. Consequently, the said application is closed.

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19.08.2024
(1/2)

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