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**A.No. 4555 of 2023**

**IN**

**C.S.No. 281 of 2011**

**C.V.KARTHIKEYAN, J.**

This Application has been filed by the second defendant in the suit seeking to condone the delay of 5730 days in filing the application to set aside the exparte order dated 18.12.2007.

2. A strong objection has been raised on behalf of the respondent/plaintiff and the learned counsel stated that he had verified the suit records and it had been found that the applicant herein had been served with suit summons on several times.

3. It is to be kept in mind that this suit was originally instituted before the City Civil Court as O.S.No. 5855 of 2007 and subsequently transferred to the file of the Original Side of the High Court. Even though before the City Civil Court, the suit summons would have been served, on transfer, it is only appropriate that there is service of suit summons and the procedure is commenced once again, and it is ensured that the suit summons are served. It is informed that even before the City Civil Court, service had been completed only through substituted service.



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**C.V.KARTHIKEYAN, J.**

vsg

4. Taking into consideration the fact that it would only be appropriate that the applicant herein also participates in the trial proceedings, the delay is condoned but however subject to costs of Rs.5,000/- to be paid to the Cancer Institute at Adyar for treatment of some needy patients. This application stands allowed.

5. The cost to be paid on or before 22.07.2024.

6. List the matter on 23.07.2024.

Vsg

03.07.2024

(4/6)

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