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A.No.4434 of 2024 in
C.S.No.176 of 2016

SENTHILKUMAR RAMAMOORTHY,J

By this application, the 4th and 5th defendants in the suit seek to set aside the order setting such defendants ex parte. In the affidavit in support of the application, it is stated that the 4th defendant was hospitalised and had to undergo kidney transplant surgery. Consequently, it is stated that the petition to set aside the order dated 11.12.2023 could not be filed earlier. The said defendants also submit that they intend to adopt the written statement of the 1st defendant.

2. Learned counsel for the plaintiff submits that the application is belated and that sufficient cause has not been shown.

3. The order dated 11.12.2023 records that suit summons was served on defendants 4 to 7 on 05.05.2016. While an explanation has been provided for filing the present application after the lapse of



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several months from the date of the order setting the defendants ex parte, the explanation for not filing the written statement within a reasonable time after receipt of suit summons is inadequate.

4. Consequently, this application is allowed subject to payment of costs of Rs.15,000/- (Rupees Fifteen thousand only) to the plaintiff within two weeks.

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02.09.2024
(1/2)

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