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C.V.KARTHIKEYAN, J.

A.No.5583 of 2022

in

C.S.No.536 of 1999

This application has been filed seeking to condone the delay of 3784 days in filing the application to set aside the exparte decree and judgment dated 26.04.2012 passed in the suit.

2.Incidentally, the suit had been filed seeking recovery of Rs.62,64,658.40/-, out of which the principle component was Rs.40,67,960 /- and the balance was the interest component. The suit was presented in the year 1999 and it was decreed exparte in the year 2012. The plaintiff then filed an Execution Petition before the jurisdictional Court at Delhi. Thereafter, the defendants appear to have woken up and claimed that they were not aware of the passing of the decree and filed an application in the year 2022 seeking to condone the delay of 3784 days in filing the application to set aside the exparte judgment and decree.

3.That application has been resisted by the respondents / plaintiff, 1st and 3rd defendants disputing the signature found in the affidavit. To that extent, the respondents / plaintiff, 1st and 3rd defendants had filed A.Nos.974, 975 and 976

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of 2024 calling for examination of the signature. These three applications were dismissed by the learned Single Judge of this Court. The respondents / plaintiff, 1st and 3rd defendants then filed O.S.A.Nos.131, 132 and 133 of 2024 and I am informed that the Division Bench had delivered a split verdict on 11.06.2025. Now, the issue will have to be resolved by appointment of a third Judge by the Hon'ble Chief Justice.

4.Be that as it may, the applicant / 2nd defendant has filed an affidavit today coming forward to deposit a sum of Rs.40,67,960/- wherein, the outer time limit within which the said amount would be deposited had not been given. The learned counsel states that the amount would be deposited within a period of eight weeks.

5.The learned counsel for the respondents / plaintiff, 1st and 3rd defendants may get instructions about acceptability of this proposal put forward by the applicant / 2nd defendant. List the matter once again on 01.07.2025.

16.06.2025

smv

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