



A.No.6453 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

Application No.6453 of 2024
in
C.S.(Comm.Div.) No.118 of 2021

Bharat Sevak Samaj-Tambaam,
Rep. By its Director,
Tambaram East,
Chennai-63

.. Applicant

Vs

1.Pradesh Bharat Sevak Samaj,
Rep. By its President Mr.Boopathi Desiappan,
Chennai.

2.Bharat Sevak Samaj – Kerala Pradesh,
Thiruvananthapuram,
Kerala – 695 014.

.. Respondents

For Applicant : Mr.K.Harishankar

For Respondents : Mr.J.Uma Charan



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ORDER

This application has been filed seeking to set aside the exparte judgment and decree dated 18.03.2024 passed by this Court in C.S.(Comm.Div.) No.118 of 2021.

2. This Court, by its order dated 13.11.2024, while allowing the application filed by the first defendant seeking to set aside the exparte judgment and decree dated 18.03.2024 passed in C.S.(Comm.Div.) No.118 of 2021, imposed cost of Rs.5,000/-. The said order has also been complied with and thereafter, the present application came to be numbered.

3. The learned counsel for the first respondent/plaintiff would submit that this application can be allowed on payment of cost, as was done in the earlier case filed by the first defendant. The said submission of the learned counsel for the first respondent/plaintiff is reasonable.

4. However, considering the fact that the applicant/first defendant is a non-profitable organization, this Court is of the considered view that



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ordering a sum of Rs.2,000/- towards costs is reasonable, instead of Rs.5,000/- fixed by this Court in the earlier application on 13.11.2024.

5. In the open court today, the learned counsel for the applicant/first defendant has paid the cost of Rs.2,000/- to the learned counsel for the first respondent/plaintiff. Since the cost has been paid, this application is allowed as prayed for.

The defendants' right to file written statement has already been forfeited. Post the main suit for filing affidavit of admission/denial of documents on 22.01.2025.

16.12.2024

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ABDUL QUDDHOSE,J.

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