



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

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Coram:

The Honourable Mr.Justice C.SARAVANAN

**Application No.3198 of 2022
in C.S.No.452 of 2015**

1.M.Babu

2.V.Kannan

...Applicants

Versus

1.P.Anandhan

2.P.Sridharan

3.G.Gajapathy

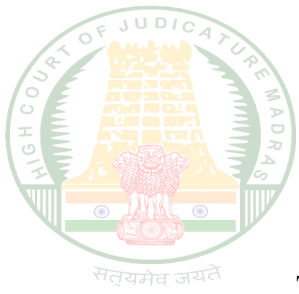
...Respondents

Application filed under Order XIV Rule 8 of O.S.Rules r/w. Order IX Rule 7 of C.P.C & Section 151 of C.P.C praying to set aside the ex-parte order passed against the 1st & 3rd Defendant on 19.07.2022 in above C.S.No.452 of 2015.

For Applicants : Mr.M.Jaikumar
for Mr.K.J.Saravanan

For Respondents – 1 & 2: Mr.P.K.Sabapathi

For Respondent - 3 : Mr.K.V.Sundararajan



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ORDER

This Application has been filed for setting aside the *ex-parte* order dated 19.07.2022 passed against the Applicants/Defendants 1 & 3 in C.S.No.452 of 2015.

2. Since the Applicants/Defendants 1 & 3 did not file their respective written statement, they have been set *ex-parte* by this Court vide order dated 19.07.2022. Aggrieved over the same, the Applicants/Defendants 1 & 3 have filed this Application.

3. Mr.P.K.Sabapathi, learned counsel for the Respondents 1 & 2/Plaintiffs has made serious objection to this Application stating that the suit is of the year 2015 and the Applicants/Defendants 1 & 3 have adopted dilatory tactics to delay the disposal of the suit.

3.1. It is further submitted that on 20.07.2022, the learned counsel for the Respondents 1 & 2/Plaintiffs had received a phone call from one Mr.S.Manikandan, Advocate, Enrollment No.1973/2020 practising at Egmore Metropolitan Magistrate Court, Chennai and during the telephonic



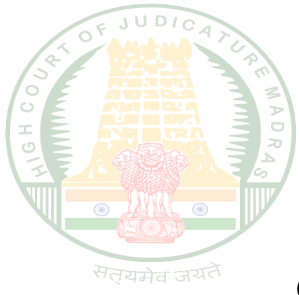
conversation, the said Advocate had illegally demanded Rs.40 Lakhs for not proceeding further with the present suit.

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3.2. It is submitted that on enquiry, it is found that the aforesaid Advocate is a counsel who has filed Vakalat on behalf of the Applicants/Defendants 1 & 3.

4. From the submissions made by the learned counsel for the Respondents 1 & 2/Plaintiffs, it is crystal clear that Mr.S.Manikandan, Advocate who filed Vakalat on behalf of the Applicants/Defendants 1 & 3 had demanded money from the counsel for the Respondents 1 & 2/Plaintiffs for not proceeding with the suit. There is no doubt, the act of the said Advocate is reprehensible.

5. However, considering the fact that Mr.S.Manikandan has enrolled as an Advocate only in the year 2020, this Court is of the opinion that Mr.S.Manikandan, Advocate requires proper guidance because Advocates are expected to maintain a clean image with unfallible ethics.



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6. As far as this case is concerned, the suit trial has already commenced and the evidence of 2nd Defendant has been completed. Hence, this Court is inclined to allow this Application.

7. Accordingly, this Application is allowed and the *ex-parte* order dated 19.07.2022 passed against the Applicants/Defendants 1 & 3 in C.S.No.452 of 2015 is hereby set aside.

25.04.2025

mrr

Index : Yes/No



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C.SARAVANAN, J.

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