



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.4164 of 2024
in C.S.(Comm.Div.) No.291 of 2023

Aadhithya Foundation Rep By Its Authorized Signatory
New No.57, Sri Sai Nagar, 1st Main Road,
Virugambakkam, Chennai

... Applicant

-VS-

Craft Mold (india) Private Limited
New No.57, Sri Sai Nagar, 1st Main Road, Virugambakkam, Chennai Rep.by
its Authorized Representative, Mr.C.Manivannan,
No.116 A, 2nd Main Road, SIDCO Industrial Estate,
Thirumudivakkam, Chennai 600 124.

... Respondent

For Applicant : Mr.A.Antony Raj

For Respondent : Mr.R.Krishna Prasad
for M/s.Sarvabhauman Associates

ORDER

By this application, the sole defendant seeks to set aside *ex parte* decree dated 16.04.2024. On 19.12.2023, learned counsel entered appearance on behalf of the defendant and learned counsel for the plaintiff



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was directed to serve papers on him. Subsequently, at the hearing on 01.04.2024, the defendant was set *ex parte* because the written statement had not been filed by the defendant. Subject to the condition that the plaintiff files the proof affidavit on or before 08.04.2024, the matter was posted before learned Master for recording the *ex parte* evidence of the plaintiff. It appears that the proof affidavit was filed on 12.04.2024 and *ex parte* evidence was recorded in full on 15.04.2024. By taking such *ex parte* evidence into account, the suit was decreed on 16.04.2024.

2. Learned counsel for the defendant submits that the written statement was filed in the Registry on 14.04.2024 after receiving papers from learned counsel for the plaintiff on 19.12.2023. In these circumstances, he submits that the defendant is entitled to contest the suit and that the *ex parte* decree is liable to be set aside.

3. Learned counsel for the plaintiff submits that the suit was filed in the year 2023 and that the defendant was lax in not filing the written statement earlier. Therefore, he submits that the application be dismissed or, in the alternative, the defendant be put on terms.

4. The record discloses that learned counsel for the defendant



requested for time to file the written statement at the hearing on 01.04.2024.

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By declining this request, the defendant was set *ex parte* and the *ex parte* decree was issued soon thereafter on 16.04.2024. It is common ground that the defendant served a copy of the written statement on learned counsel for the plaintiff on or about 14.04.2024 and filed this application in April 2024. In these circumstances, in my view, sufficient cause is shown.

5. Therefore, *ex parte* decree dated 16.04.2024 is set aside and this application is allowed as prayed for.

14.07.2025
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SENTHILKUMAR RAMAMOORTHY,J

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