



C.M.P.No.22290 of 2024
in S.A.No.635 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 15.11.2024

Order pronounced on : 03.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

C.M.P.No.22290 of 2024
in S.A.No.635 of 2019

K.Purusothaman

..Petitioner

Vs.

1.P.V.Devan

2.Uma

3.P.Kavitha

..Respondents

Prayer: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 210 days in filing the petition to set aside the exparte order passed in S.A.No.635 of 2019 dated 31.01.2024 on the file of this Court.

For Petitioner : Mr.A.Ramesh
for Mr.R.Sankarasubbu

For Respondents : Mr.R.Subramanian

ORDER

It is an application to condone the delay of 210 days in filing the petition to set aside the ex-parte order passed in S.A.No.635 of 2019 dated 31.01.2024.



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2. Though the judgment was delivered on merits and it is not an ex-parte judgment as claimed by the learned counsel for the petitioner, Mr.R.Subramanian, learned counsel for the respondents has no objection for the the learned counsel for the petitioner making his submissions in the second appeal and after hearing the arguments, the second appeal could be decided afresh.

3. In view of the fair concession shown by the learned counsel for the respondents and with a view to afford an opportunity to the learned counsel for the petitioner to advance his arguments, the above Civil Miscellaneous Petition is allowed. Registry may formally number the application to set aside the judgment in S.A.No.635 of 2019 dated 31.01.2024. As the learned counsel have already advanced their arguments in the second appeal, judgment is reserved.

03.01.2025
(1/2)

Speaking/Non-speaking order
Index : Yes/No
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P.B.BALAJI.J.

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03.01.2025
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