



A.No.4547 of 2025

in

C.S.No.473 of 2002

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11.11.2025

ORDER

1. An application filed by the petitioners / defendants to condone 153 days in representing the application A.D.No.5645 of 2025 under order 14, Rule 10 (1) of Original Side Rules, read with Sec.5 of Limitation Act.

2. The brief history of the petition is as below. The petitioners and others are defendants in the above case. There is an exparte order passed on 08.03.2010 against this defendants/petitioners and others. This petitioner filed an application to set aside the exparte order along with an application to condone the delay of 5586 days in filing the set aside application. The said application has been returned on 22.01.2025 citing certain defects. At that time, these applicants did not receive documents related to the civil suit. For collecting those documents this petitioner needs some time. Thus, there is a delay of 153 days. The same may be condoned.

3. The counter of first respondent is as below. This application is not maintainable since the petitioner did not stated any clear reason. Also, the petitioner paid to mention the details of documents to be collected. There is bald allegations against counsels as well as other officials. The petitioner filed multiple applications to delay the execution of decree. At this stage, this application is liable to be dismissed.



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4. The point for consideration is whether this application is liable to be allowed or not ?

5. Heard both. Records perused. This application filed by the petitioners to condone the delay in representing applications to set aside the exparte order as well as to condone the delay in preferring the application for set aside the exparte order. The reason for default is that the petitioner want to collect documents related to the civil suit. While, the respondent objected the application on the ground that it is only meant for delaying the execution of decree, there is no sufficient or even reasons assigned by the petitioner for delay, there is no details about the documents to be collected.

6. The connected E.P No.88 of 2023 is filed by the respondent herein for execution of decree dated 08.03.2010. While arguing the matter the petitioner's counsel raised so many grounds including fraud on the part of the respondent, delay in payment of sale consideration, delayed execution application etc. All the matters are pertain to the main suit and not in this application.

7. For delay the petitioner did not specifically pleaded any reason in this affidavit. He stated a simple unexplained, undetailed reason of collecting documents. As contended by the respondent this reason is not sufficient to allow the application.



8. Anyhow, the alleged delay is only on representation of papers before court.

Thus, the matter now between court and the petitioner. The petitioner alleged fraud as well as other grounds against the decree. In these circumstances, a fair chance ought to be given to the petitioner. That alone will prevent multiplicity of proceedings and find an end to the litigation between the parties and also meet the end of justice. Moreover, this first respondent has every chance to resist the condone delay application as well as application to set aside the exparte order. Hence, it is decided to allow the application.

In the result, this application is allowed. No cost.

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