



WEB COPY

A No. 4391 of 2024
C.S.No.134 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No. 4391 of 2025 in

C.S.No.134 of 2023

1. Mangalchand Ostwal
2. Mangalchand Ostwal and Sons
(HUF)
Represented by its Kartaa Mangalchand
Ostwal
3. Kamala Devi Ostwal
4. Indira Devi Ostwal

Vs

Jawahira Nabi

Respondent(s)

PRAYER

Application filed under Order XIV Rule 8 of the Original Side Rules r/w
Order 9 Rule 7 of Civil Procedure Code, 1908 to set aside the exparte order
dated 18.07.2024 passed in C.S.No.134 of 2023

For Applicant(s): Ms. R.Kanishca for
M/s Nathan and Associates

For Respondent: Mr.S.Suriyaprakash



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ORDER

This application has been filed by the applicants / defendants to set aside the exparte order passed against them on 18.07.2024.

2. According to the applicants, they are defendants in the suit. The respondent / plaintiff filed a suit for relief of recovery of money based on the mortgage. Due to non-filing of the written statement, this Court, set exparte the applicants on 18.07.2024. After appearance through learned counsel in this case, the applicants applied for some documents and they were unable to get those documents, therefore, they were not able to file the written statement within the time and hence this Court set exparte the applicants. Now, after receiving the said documents, the applicants have filed the written statement along with this application, therefore prayed to allow the present application.

3. The learned counsel appearing for the respondent / plaintiff submits that already an opportunity has been granted to the applicants / defendants to file those documents, but they have failed to avail the same and the present



application has been filed only to drag on the proceedings and there are no grounds to allow the present application and this petition is liable to be dismissed.

4. This Court heard the learned counsel on either side and perused the documents placed on record.

5. Considering the reasons stated in the affidavit filed in support of this petition and taking note of the fact that the applicants are unable to file those documents and they were able to get the documents only now and in order to provide a fair chance to defend their case, it is appropriate to allow the present application.

Accordingly, the present Application is allowed.

24-10-2025

Index:Yes/No; Speaking/Non-speaking order

Internet:Yes; Neutral Citation:Yes/No

ssd

To

Jawahira Nabi

W/o. Ghulam Nabi Mir, No.16/69,

Central Street, Kilpauk Garden Colony,

Chennai-600 010.



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P.DHANABAL J.

ssd

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