



WEB COPY

A.No.1366 of 2025 in
C.S.No.505 of 2012

C.V.KARTHIKEYAN, J.

This application has been filed to condone the delay of 1471 days in setting aside the *exparte* preliminary decree dated 07.10.2020 in C.S.No.505 of 2012.

2. The number of days of delay are exorbitant. However, the Court will have to examine the larger issue of the nature of the suit. The suit has been filed seeking partition and separate possession of the schedule mentioned property. The plaintiff is entitled to undivided 1/5th share and 1st to 5th defendants are also each entitled for undivided share of 1/5. It is contended by the learned counsel for the plaintiff / first respondent in the application that when the preliminary decree was passed, the plaintiff and the fifth defendant alone contested the suit and a preliminary decree was passed granting undivided 1/5th share to each one of them. It is now stated that the other defendants have filed the present application to condone the delay in filing application to set aside the *exparte* preliminary decree.



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3. Taking into consideration the fact that each one of the parties are actually entitled to a share and that it is only appropriate that such share is determined in the presence of all the parties, though the number of days of delay are exorbitant, the delay is condoned. It is also stated that written statement has been filed along with the application filed to set aside the preliminary decree.

4. This application is allowed. The Registry is directed to number the application filed to set aside the *exparte* preliminary decree dated 07.10.2020 and put it up for consideration before this Court on 24.06.2025.

03.06.2025

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