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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A.No.426 of 2025
in C.S.No.190 of 2024

1.R.Jawahar
S/o. Late Ramasubbu

2.Adhilakshmi
W/o. R.Jawahar

... Applicants

Vs

1.1.G.Sriramulu
2.S.Jegadeeshwari
3.R.Dhanalakshmi
4.R.Venugopal
5.S.Nagajothi
6.L.Indra
7.C.Bhavani
8.N.Vaishali Nivedhitha
9.V.Vasanth
10.The Sub Registrar,
Thirukkanur,
Sri Mariamman Complex,
Thirukkanur, Puducherry – 605 501.

... Respondents

For Applicant : Mr.S.L.Sudarsanam



For Respondents : Mr.V.Haribabu for RR1 to 3

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ORDER

The present Application has been filed to set aside the ex-parte order dated 18.11.2024 passed against the applicants/ defendants 2 and 8 in the above suit in C.S.No.190 of 2024 and pass such further order.

2.Heard Mr.S.L.Sudarsanam, learned counsel for the applicants and Mr.V.Haribabu, learned counsel appearing on behalf of the respondents 1 to 3.

3.The application had been filled for setting aside the ex-parte order made by this Court on 18.11.2024. It is the case of the learned counsel for the applicants that the suit is for specific performance and the applicants had been arrayed as defendants 1 & 8 in the suit.

4.In the aforesaid suit, they were set ex-parte on the sole ground that they had not filed the written statement within the period of limitation. He



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would submit that the suit itself had been filed based upon false and untrue allegations. Hence, they have also decided to file an application to reject the plaint and prayed for allowing this application.

5. On the other hand, the learned counsel appearing for the respondents 1 & 2 who are the plaintiffs in the suit would submit that the applicants were served with the Court summons as early as on 30.09.2024 and that they have not chosen to file the written statement within the limitation prescribed. Even the present application filed for setting aside the ex-parte order had been filed beyond the time limit that had been prescribed. He would further submit that the applicants have not given any cogent reason as to why the application should be ordered. Hence, he seeks dismissal of the application.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

7. It is to be seen that the applicants have been set ex-parte on 18.11.2024 and have taken out the present application to set aside the ex-



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parte order on 03.12.2024 well within the period of 30 days. It is also to be seen that the applicants are the only contesting defendants in the suit.

8.In such view of the matter, I am inclined to entertain the application filed by the applicants to set aside the ex-parte order. It is also been stated that the applicants have filed an application in S.R.No.164467 of 2024 to reject the plaint by invoking Order VII Rule 11 of C.P.C.

9.In fine, the application is allowed on the condition that the applicants do not attempt to protract the proceedings in the suit.

03.02.2025

Gba (1/2)

To

The Sub Registrar,
Thirukkanur,
Sri Mariamman Complex,
Thirukkanur, Puducherry – 605 501.