



A.No.1501 of 2025 in T.O.S No.68 of 2024
and A.No.1502 of 2025 in C.S No.240 of 2024

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A.A.NAKKIRAN, J.

A.No.1501 of 2025 is filed by the applicant/defendant to set aside the exparte order dated 11.12.2024 passed by this Court as against the sole defendant in T.O.S No.68 of 2024.

A.No.1502 of 2025 is filed by the applicant/plaintiff to restore the suit which was dismissed for non prosecution by an order dated 12.12.2024 by this Court as against the plaintiff in C.S No.240 of 2024.

2. Heard both side.

3. The learned counsel for the respondent/plaintiff in TOS and 3rd respondent/3rd defendant in CS strongly opposed to allow both the applications stating that though the applicant has filed the applications to set aside the exparte order in T.O.S and to restore the C.S on 20.12.2024, but intentionally with an ulterior motive to harass the respondent/plaintiff in T.O.S by abusing the process of law, has avoided to cure the defects in the application mainly to delay the process of the application being numbered by having knowledge that the Will is genuine and there is no defence for her to disprove the facts. Besides, the applicant has not provided sufficient and good cause for non-appearance either as plaintiff in C.S or as defendant in T.O.S and also failed to file the written statement within the prescribed period. Hence he prays for dismissal of both the applications.



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4. Considering the facts and circumstances of the case and, in the interest of justice, by giving an opportunity to the applicant in both the applications to prosecute her case on merits, this Court is inclined to allow both the applications, by imposing cost.

5. Accordingly, these two applications are allowed on condition that the applicant shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent/plaintiff in TOS No.68 of 2024 and 3rd respondent/3rd defendant in C.S No.240 of 2024 on or before 09.04.2025. In the event of failure on the part of the applicant in paying the said amount within the stipulated time, this application shall stand dismissed automatically.

6. Post the matter on 09.04.2025.

02.04.2025

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