



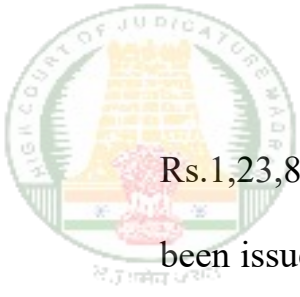
ORDER

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The defendants have applied to condone the delay of 596 days in filing the application to set aside the *ex parte* decree. Such *ex parte* decree was issued on 22.04.2024.

2. In the affidavit in support of this application, it is stated that the defendants have a good case on merits and that the claim was repudiated because it does not qualify as an insured peril as per the terms of policy. It is also stated that the *ex parte* decree came to light only when a review was conducted of all pending cases at the regional office. It is stated that the earlier panel counsel had not kept the defendants informed about proceedings.

3. A counter affidavit has been filed by the plaintiff. Learned counsel submits that attributing the delay to earlier counsel does not constitute sufficient cause to condone the delay. He relies upon the judgment of this Court in *Chitravel and another v. Jothimani, 2024 (2) CTC 197*. The length of delay is significant. As contended by learned counsel for the plaintiff, the explanation is not wholly satisfactory inasmuch as a large insurance company is expected to track the progress of cases and not blame earlier panel counsel for not doing so. Nonetheless, I find that an *ex parte* decree directing payment of



Rs.1,23,88,000/- with interest at 12% per annum from the date of plaint has been issued. The defendants assert that they have a good case on merits and that the repudiation was fully justified.

4. Considering the totality of facts and circumstances, this application is allowed subject to condition that the applicants/defendants pay a sum of Rs.20,000/- (Rupees Twenty thousand only) as costs to the plaintiff within two weeks from the date of receipt of a copy of this order. It is also made clear that further conditions will be imposed when the application to set aside the *ex parte* decree is listed.

KJ

25-03-2026
(1/2)



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SENTHILKUMAR RAMAMOORTHY, J.

KJ

A No. 910 of 2026
in C.S.(Comm.Div)No.213 of 2023

25.03.2026
(1/2)