

notice sent by the respondent's counsel. As per the mandate under order VIII Rule 2 CPC, the petitioner has failed to file written statement within prescribed limit of 90 days from the date of summon. The petitioner failed to show any sufficient cause for belated in filing application to approach the court. Hence prayed to dismiss the petition.

This suit is of the year 2012. The suit filed for the relief of Declaration. The petitioner was set exparte on 22.4.2013 after effecting paper publication. The Written statement was filed along with this petition. Considering the above facts and circumstances of this case and to avoid multiplicity of proceedings and to decide the case on merits and in the interest of justice this court is inclined to allow the petition by imposing cost to the Respondents.

In the result, this petition is allowed on payment of cost of Rs.5000/- to the Respondents on or before 12.10.2022, failing which this petition shall stands dismissed. Call on 13.10.2022.

Sd/-K.Kayathri
ADJ/CPT.

**I.A.No.5/2022 in
OS No.260/2012
Dt.29.9.2022**

Order

This petition has been filed by the Petitioner/15th defendant to set aside the exparte order dated 22.4.2013 passed against the petitioner/15th defendant.

The counsel for the Respondents/plaintiffs filed counter and objected the same.

Heard. Records perused. It is contended by the counsel for the petitioner that no suit summon was served on the petitioner and the petitioner was set exparte on 22.4.2013 after effecting paper publication. The petitioner now only came to know about the pendency of the suit through the neighbours. The petitioner now filing the written statement for the above suit and prayed to allow the petition.

The counsel for the Respondents contended that the respondents took the steps to serve the summons through court and post and private also sent to the petitioner and all were returned. Hence the summons were served by publication in the daily news paper. The petitioner was keeping himself away with a view to avoid service of summons by court and private

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