

I.A.No.5/2024
in
O.S.No.31/2024

D.D.27.03.2025.

Order Pronounced.

This application has been filed by the petitioner/9th defendant to set aside the exparte order passed against M/s.Shriram Finance Ltd., on 30.09.2024 for non filing of written statement.

2. The respondent/plaintiff contended that the petitioner/9th defendant had appeared before this Court on 21.06.2024 and after taking several adjournments the petitioner/9th defendant has not come forward to file written statement and counter and thereby the petitioner/9th defendant was set exparte and no sufficient reason has been given by the petitioner/9th defendant. The reason alleged by the petitioner/9th defendant for not filing of counter and written statement is that since, the petitioner/9th defendant being a public limited company has several contesting points and the said company had discussed with their Regional Chief Manager to file an elaborate counter

and written statement for the suit and thereby the petitioner/9th defendant could not file written statement in time.

3. However in the main suit, Pw1 was examined in chief on 07.11.2024 and the case is pending for marking of documents on plaintiff side and at this stage, this application has been filed. This Court considers that only an exparte order has been passed against the petitioner/ 9th defendant and refusing to entertain this application or dis allowing this application may cause much prejudice to the petitioner/9th defendant and therefore in the interest of justice, this Court is of the considered view that this application can be allowed on terms.

4. In the result, this petition is allowed on payment of Rs.1,000/- to the respondent/plaintiff on or before 02.04.2025. Call on 03.04.2025.

Principal District Judge,
Perambalur.

