

I.A.No.2/2022 in O.S.No.131/2021

Date: 01.04.2024

ORDER

Defendant in O.S.No.131/2021 is the Petitioner in the present Application, which has been filed under Order 9 Rule 7 and Sec.151 CPC praying this Court to set aside the exparte Order dated 05.10.2021 that is passed against the Petitioner in the above Suit for non filing of the Written Statement.

2) Heard both sides and perused the records.

3) Perusal of records would show that the Respondent has filed the above Suit against the Petitioner seeking recovery of money on the basis of a Promissory Note dated 01.07.2019 alleging that on the said day, the Petitioner has borrowed a sum of Rs.14,50,000/- from the Respondent and executed the Suit Promissory Note agreeing to repay the Principal amount with interest at the rate of 12% per annum.

4) In the above Suit, it seems that the Petitioner has not filed his Written Statement and therefore, by Order dated 05.10.2021, he was set exparte and the present Application has been filed

seeking to set aside the said exparte Order.

5) It is important to point out here that the Petitioner/ Defendant has also filed his Written Statement along with the present Application.

6) Considering the facts and circumstances, this Court feels that the exparte Order that is passed against the Petitioner could be set aside by imposing suitable cost.

In result, the above Application will be allowed on condition that the Petitioner shall pay a sum of **Rs.1000/- towards cost** to the Respondent, on or before 15.04.2024. Failing which, the above application will be dismissed.

Call this application on 16.04.2024.

III ADJ,
Salem.