

I.A. No.3 of 2024
in
I.A.No.255 of 2022
in
O.S.No.73 of 2022

Date : 16.06.2025

Order

1) The petition is filed Order IX Rule 7 of CPC to set aside the exparte order passed against the petitioners, who are the 1st to 4th defendants in the suit. As per the petitioners, they have filed written statement in the suit on 30.08.2024 and mistakenly did not file an memo to adopt the same as counter in I.A.No.255 of 2024 and they were set exparte in the interim application, which is to be set aside. s

2) The respondent have endorsed as no counter and petition may be allowed on terms.

3) Heard the petitioner. Records perused.

4) Considering that the petitioner herein have filed written statement in the suit on 30.08.2024 and mistakenly did not file an memo to adopt the same as counter in I.A.No.255 of 2024, this is of the considered opinion that the order setting them as exparte passed on 30.08.2024, in the interest of justice, is to be set aside, as the same would aid for proper adjudication of the dispute between the parties and as such, this court is inclined to allow this petition.

In fine, the petition is allowed. No cost.

Sd/-Tr.M.Dheenadhayalan,B.A.,B.L.,
DM Cum JM,
Madathukulam.