

CPC Order IX Rule 13 - Setting aside exparte decree - Prayer in application to condone the delay as well as to set aside the exparte decree and also to allow filing of the written statement and to take up the suit on merits - No order passed by the Trial Court on the specific prayer made by defendant to allow them to file written statement - Trial Court condoned the delay and set aside the exparte decree and the said order of condonation of delay and setting aside the exparte decree was the subject matter before the High Court - Therefore, the further observations made by the High Court that defendant cannot be permitted to file their written statement can be said to be beyond the scope and ambit of the CMP filed before the High Court - Judgment and order passed by the High Court to the extent of observing that though the exparte decree is set aside, defendant cannot be permitted to file their written statement is hereby quashed and set aside - Trial Court to consider the prayer of defendant whether to allow/permit them to file their written statement or not and as and when such question/issue is considered by the learned Trial Court, it will be open for original plaintiff to resist the same and the learned Trial Court to consider the question/issue whether on setting aside the exparte decree, defendant may be allowed/permited to file their written statement, in accordance with law

2022 PLRonline 5402 , 2022 SCeJ 0243 (Orr.) , (2022-1)205 PLRIJ (Orr.) set aside.

2022 SCeJ 0591 , 2022 PLRonline 0205 (SC) , (2022-2)206 PLR 795 (SC) (SN)