

CASE NO.:
Appeal (civil) 3551 of 2007

PETITIONER:
M/s Loh Vanizya Udyog Pvt. Ltd

RESPONDENT:
Rickie Khosla & Anr

DATE OF JUDGMENT: 08/08/2007

BENCH:
G.P. Mathur & P.K. Balasubramanyan

JUDGMENT:
JUDGMENT

O R D E R

CIVIL APPEAL NO. 3551 OF 2007
(Arising out of Special Leave Petition (Civil) No.3565 of 2006)

G. P. MATHUR, J.

Leave granted.

We have heard learned counsel for the parties. Having regard to the fact that the application filed by the plaintiffs-respondents under Order 33 Rule 1 CPC for permission to sue as an indigent person remained pending for over 10 years and the suit instituted on 20.2.1987 was registered on 10.12.1997 after the plaintiffs paid the court fee, we are of the opinion that the application moved by the appellant herein (defendant) for setting aside the order passed on 21.9.2000 to proceed ex-parte against it deserved to be allowed.

We accordingly allow this appeal and set aside the order dated 21.9.2000 whereby the appellant's rights to file written statement was closed, subject to the appellant depositing Rs.10,000/- as costs in the trial court within one month. The appellant will have six weeks time to file written statement. If the cost, as directed aforesaid, is not paid, the appeal will stand automatically dismissed.