

KACN320021312011



IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT : SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 03rd day of June 2026

O.S. NO.325/2011

Plaintiff : Smt. Shashikala @Kalavathi

Versus

Defendants : Smt. Pushpa & Others

INTERIM APPLICATION NO-XII

Applicants/ : Sri. Veluswamy
(Defendant No.6)

Versus

Opponents : Smt. Shashikala @Kalavathi
(Plaintiff)

i.	Provision under which the application is filed	Under Order IX Rule VII R/w Section 151 of CPC
ii.	Relief sought for	Seeking setting aside of order
iii.	The date on which the application is filed	18.03.2026
iv.	Number of the application	XII
v.	The date on which the objections are filed by the different opponents	28.04.2026
Vi.	The date on which the orders were passed on the said application	03.06.2026

ORDER ON IA No-XII

1) The defendant No.6 has filed the present application under Order IX Rule 7 of CPC, seeking setting aside of order of Ex-parte against him. It is the contention of the defendant No.6 that, the plaintiff has filed suit for partition and separate possession against him and others, subsequent to service of summons, due to his personal inconvenience the defendant No.6 could not have appeared before the court and his non-appearance before the court is unintentional.

2) In counter to the applications, the plaintiff has filed her objection by contending that, the application filed by the

defendant No.6 is not maintainable as the defendant No.6 has filed present application after a delayed period. Accordingly sought for dismissal of the applications.

3) Heard both sides, perused materials on record, accordingly the following are the points for consideration of this court.

- 1. Whether the defendant No.6 has made out grounds to allow I.A No.XII?*
- 2. What order ?*

4) For the reasons stated below this court answers the above points for consideration as hereunder:

Point No.1: In the Negative

Point No.2: As per final order.

REASONS

5) POINT NO.1:

The defendant No.6 has filed the present application seeking to set aside order of Ex-parte against him. It is the contention of the defendant No.6 that, due to his personal inconvenience he could not have appeared before the court and his non-appearance is not intentional.

6) On perusal of the materials on record, the defendant No.6 was brought on record upon filing application under Order I Rule 10(2) of CPC on 30.06.2017 and subsequently summons was duly served to him on 08.06.2018 and now on 18.03.2026 i.e., after 7 years, 9 months, 10 days he has filed present application and reasons assigned for such delay is his personal inconvenience, but in the entire affidavits filed along with application, there is no single explanation what were that personal inconveniences and no documents are also placed on record to show such inconveniences. Thus this court is of the opinion that, the reasons assigned by the defendant No.6 is not proper and moreover, when a party is filing an application after such an inordinate delay, he or she must be diligent to show their bonafides for the delay caused, but the defendant No.6 has causally filed a bald application and such conduct of the defendant No.6 is not proper. Thus this court is of the opinion that, the defendant No.6 has not made out any grounds to allow I.A No.12. Accordingly this court answers **Point No.1 in the Negative.**

7) Point No.2: For the reasons stated above this court proceeds to pass the following:

-. ORDER:-

The IA XII filed by the defendant No.6 under Order IX Rule 7 R/w Section 151 of CPC is hereby dismissed.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 03rd day of June 2026).

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.