



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 17th day of March 2026

Present:

Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi

O.S. No.155/2021

Plaintiff :- Govindaraju

-V/s-

Defendants :- Thayamma & others

CAUSE TITLE ON I.A. No.6

Applicant :- Govindaraju (Defendant No.3)

(By Sri. K.S. Manjunatha advocate)

-V/s-

Opponent :- Govindaraju (Plaintiff)

(By Sri. S.M.G., Advocate)

:ORDER ON I.A. No.6:

The defendant No.2 and 3 have filed I.A. No.6 U/O 9 rule 7 of CPC praying to set aside the exparte order against them and to permit them to contest the suit on merits.

02. In the accompanying affidavit, it is stated that the plaintiff has filed the suit against the defendants, for the



relief as sought in the plaint. Due to inconvenience the defendant No.2 and 3 have not appeared before the court in time. Their failure to appear to the Hon'ble Court was neither intentional nor wonton, but for the reasons mentioned above. The defendant No.2 and 3 pray that this Hon'ble Court may be pleased to set aside the order of exparte passed against them. If the application allowed no injury or loss occurs to the plaintiff. Otherwise defendant No.2 and 3 will be put to irreparable loss and damage. On these grounds they pray to allow the application.

03. This application is resisted by the plaintiff by filing objections. It is stated in the objections that the above application is not maintainable either in law or on facts and the same is liable to be dismissed in limine. The averments made in the affidavit are not give sufficient reasons and not substantiate the documents for inconvenience and not to appear to court in time. The filing of the written statement there is the statutory period and the defendant not followed the procedure as contemplated under law and the averments in the affidavit are all false and the defendant filed a written statement without permission for filing are not tenable in law. On these grounds he prays to dismiss the application.



04. Heard arguments and perused the pleadings and materials placed on record.

05. The point that arises for consideration is as follows:

“Whether the application filed by the defendant No. 2 and 3 is deserves to be allowed and what order?”

06. The finding on the above point is in the affirmative for the following;

REASONS

07. The plaintiff has filed the present suit for the relief of specific performance of contract as per registered agreement of sale dated 04.09.2020. It is pertinent to note here that the suit is for the year 2021. When the case is posted for cross examination of PW1; the defendants No. 2 and 3 filed the present application to set aside the exparte order against them. It is noticed that on service of suit summons to the defendant No. 2 and 3 they have not appeared before the court; hence they are placed as exparte as per order dated 21.11.2022 and 14.08.2023. It is pertinent to note here that the defendant No. 2 and 3 have filed the present application after lapse of more than 2 and half year on the ground that due to inconvenience they have not appeared before



the court. They have not made out the valid grounds to file the present application at the belated stage of proceedings. However if the application filed by the defendant No. 2 and 3 is rejected, it will leads to multiplicity of proceedings and if the application is allowed no hardship will be caused to the plaintiff. Since the present application is filed after lapse of 2 and half years; it is required to be allowed by imposing the reasonable cost. Accordingly the point under consideration is answered in the affirmative and accordingly this court proceeds to pass the following:

ORDER

I.A No. 6 filed by the defendant No. 2 and 3 under Order 9 rule 7 of CPC is hereby allowed on cost of Rs.200/-.

Exparte order against the defendant No. 2 and 3 is hereby set aside and they are permitted to contest the suit.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced in the open Court on this the 17th day of March 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC,
Gubbi.