

**IN THE COURT OF THE MUNSIFF, KOCHI****Present:****Sri. Nishad Ibrahim., Principal Munsiff**Saturday, the 05<sup>th</sup> day of July, 2025/14<sup>th</sup> Aashadha, 1947.**I.A No.04/2025 in O.S No.46/2025****Petitioner/2<sup>nd</sup> Defendant:-**

	Adhar Housing Finance Ltd., Rep. by its Branch Manager Sanu S.V., S/o. Velayudhan, aged 45 years, No. 62/4783, 1 <sup>st</sup> Floor, Ram Leela, Mahakavi G. Road, Iyyattil Junction, Ernakulam – 682011.
	<b>By Advs. Padmapriya P., A. Suresh &amp; Rassai Janardhanan A.</b>

**Respondents/1<sup>st</sup> Defendant & Plaintiff:-**

1.	Sajitha T.P., D/o. Prabhakaran, Naliukandathil Parambil, V.V.L.P.S., Thekkumuri, Konam, Palluruthy, Ernakulam – 682006.
2.	Jaya T.P., W/o. Joshy, CC 20/1646, Ponveliparambu, Palluruthy P.O., Ernakulam – 682 006.
	<b>R1 - Exparte</b> <b>R2 by Adv. V. Devasikhamani &amp; John Donald Diaz</b>

This petition filed under Order IX Rule 7 r/w Section 151 of the Code of Civil Procedure, to set aside the order dated 21.03.2025, placing the 2<sup>nd</sup> Defendant Exparte and permit the 2<sup>nd</sup> Defendant to participate and contest the the suit on merits and having been heard on 25.06.2025 and the court on 05.7.2025, passed the following:-

**ORDER**

Petition filed by the 2<sup>nd</sup> defendant to set aside the exparte order.

2. Heard both sides.

3. According to the petitioner, the non-appearance of the 2<sup>nd</sup>

defendant on 21.03.2025 was not willful but solely due to the fact that the next

posting data of the suit was inadvertently noted as 25.03.2025 instead of the actual date of 21.03.2025.

4. The 2<sup>nd</sup> respondent/plaintiff filed objection stating that the petition was not maintainable and that the petitioner has no explanation as to why they filed the petition only on 21.06.2025.

5. It may be noted that the petitioner/2<sup>nd</sup> defendant was set exparte on 21.03.2025 since he did not appear before the court on receipt of summons.

6. Considering the present stage of the case, I am of the view that this petition is liable to be allowed for the disposal of the case on merits and in the interests of justice.

In the result,

1. The petition is allowed and the exparte order against D2 is set aside.
2. No order as to costs.

Pronounced by me in open Court on this the 05<sup>th</sup> day of July, 2025.

**Sd/-  
Nishad Ibrahim  
Principal Munsiff**

**APPENDIX:- Nil**

**Id/-  
Principal Munsiff**

**///True Copy///**

**Principal Munsiff**

**Order in  
I.A No.04/2025 in  
O.S No.46/2025  
Dtd: 05.07.2025**