

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
Principal District Judge, Coimbatore.**

Thursday, this the 29th day of January, 2026

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு ஐத திங்கள் 15-ஆம் நாள் வியாழக்கிழமை)

I.A.No.3/2025 in O.S.No.348/2017

A.Sivakumar
Life Trustee Thiyagi
N.G.Ramasamy Memorial Trust ... Petitioner / 2nd Defendant

//vs//

1. R.K.Devaraj,
Life Trustee Thiyagi N.G.Ramasamy Memorial Trust
2. S.Paulraj,
Life Trustee Thiyagi N.G.Ramasamy Memorial Trust
... Respondents / Plaintiffs
3. A.Subramaniam (Died)
4. Thiyagi N.G.Ramasamy Memorial Trust
Rep. by its Life Trustee and President P.Ramasamy
5. Thiyagi N.G.Ramasamy Higher Secondary School,
Rep. by its Head Master
6. The Coimbatore District Textile Workers Union,
Rep. by its President Rajamani
7. The District Educational Officer, Coimbatore
8. The Chief Educational Officer, Coimbatore
9. The District Collector, Coimbatore
...Respondents / 1, 3 to 8 Defendants

This petition came on 23-01-2026 for hearing before this Court in the presence of **Thiru.G.Mathanaseelan**, Advocate for the Petitioner / 2nd Defendant, and of **Thiru.Ma.Se.Thung**, Advocate for the Respondents No.1, 2, 4 to 9, though the Respondents No.1, 2, 4 to 9 entered appearance through their

counsel, in spite of several opportunities, Respondents No.1, 2, 4 to 9 had not come forward to file counter statement, hence the Respondents No.1, 2, 4 to 9 called absent and set exparte, 3rd Respondent is reported to be died and upon hearing Petitioner's side arguments, perusing petition and other relevant records, having stood over for consideration till this date, this Court made the following:

ORDER

This is an application filed by the Petitioner, under Order IX Rule 7 read with Section 151 of CPC, seeking to set aside the exparte order passed against the Petitioner on 14-10-2017.

2. **Averments stated in the affidavit filed in support of the petition is as follows:-**

i. The Petitioner is the 2nd Defendant in the above suit and the Respondent Nos.1 and 2 herein are the Plaintiffs in the above case. The Respondents/Plaintiffs herein have filed the above suit for relief of injunction against the Petitioner and others. The above case has been posted on 14-10-2017 for his appearance. The Petitioner was not aware about said case proceedings, so due to his non-appearance that this Court passed an exparte order against him on 14-10-2017. Last week of July 2025 only, he came to know about the above case pending against him through some well wishers and friends. The Petitioner has valid defence and he would like to contest the above case, so he need to set aside the

exparte order passed against him on 14-10-2017. The Petitioner's absent is neither negligent nor wanton.

ii. Unless that this Court is pleased to set aside the exparte order passed against him on 14-10-2017, he will be put into great loss and hardship.

iii. Hence he prays before this Court may be pleased to pass an order to set aside the exparte order passed against him on 14-10-2017 and pass such other further order deem fit and proper in the circumstances of the case and thus render justice.

3. Though the Respondents No.1, 2, 4 to 9 entered appearance through their counsel, in spite of several opportunities, Respondents No.1, 2, 4 to 9 had not come forward to file counter statement. Hence, Stage closed. Hence, the Respondents No.1, 2, 4 to 9 called absent and set exparte on 11-12-2025.

4. Point for consideration :-

Whether the exparte order passed against the Petitioner is to be set aside or not?

POINT:-

5. Heard the Petitioner side and perused the records. The Petitioner herein filed this petition to set aside the exparte order passed against him on 14-10-2017 in the main petition. The reason stated by the Petitioner is that, the Respondent/Plaintiffs herein have filed the suit against the Petitioner and others, seeking for relief of injunction. The above case has been posted on 14-10-2017 for his appearance but he is not aware about the said case proceedings. So due

to his non-appearance, this Court passed an ex parte order against him on 14-10-2017. Last week of July 2025, he came to know about the case pending against him. Hence, he would like to contest the above case, so he prays that this Court to set aside the ex parte order and thus render justice.

6. Though the Respondents No.1, 2, 4 to 9 entered appearance through their counsel, in spite of several opportunities, Respondents No.1, 2, 4 to 9 had not come forward to file counter statement. Hence, Stage closed. Hence, the Respondents No.1, 2, 4 to 9 called absent and set ex parte on 11-12-2025.

7. This Court has considered the submissions of Petitioner's side and perused the records. On perusal of the records, it reveals that, the Respondents/Plaintiffs herein have filed the suit for declaration and grant permanent injunction against the Petitioner and others in O.S.No.348/2017 on the file of the Principal District Court, Coimbatore and the said suit is pending in trial stage. The Petitioner is arrayed 2nd Defendant in the above suit. When the case was posted for the Petitioner's appearance, due to the Petitioner's non-awareness of the case proceedings, he was not appeared before this Court and hence on 14-10-2017, this Court passed ex parte order against the Petitioner. Now, the Petitioner prays to set aside the ex parte order against him. 3rd Respondent died. Respondents No.1, 2, 4 to 9 remained ex parte.

8. Taking into consideration of all the above said aspects, considering the reason given by the Petitioner for his absence and in the interest of justice, with a view

to provide an opportunity to the Petitioner to substantiate his case as such this Court is inclined to allow this petition on payment of cost.

In the result, the petition is allowed on cost of Rs.2,000/- to be payable by the Petitioner to the Respondent Nos.1 & 2/Plaintiffs on or before 09-02-2026, failing which the petition shall stand dismissed. Call on 10-02-2026.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me, the order in open Court, on this the 29th day of January, 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Draft/Fair Order in
I.A.No.3/2025 in
O.S.No.348/2017
Dated:29-01-2026.