

**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 29<sup>th</sup> day of January, 2026**

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

**I.A.No.4/2025 in O.S.No.348/2017**

Thiyagi N.G.Ramasamy Higher Secondary School,  
Rep. by its Head Master ... Petitioner / 4<sup>th</sup> 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

This petition came on 23-01-2026 for hearing before this Court in the presence of **Tvl.D.Arjunan and M.Dhivya Bharathi**, Advocates for the Petitioner / 4<sup>th</sup> Defendant, and of **Thiru.Ma.Se.Thung**, Advocate for the Respondents, though the Respondents entered appearance through their counsel, in spite of several opportunities, Respondents had not come forward to file counter statement, hence the Respondents called absent and set exparte, 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, praying to set aside the exparte order passed against the Petitioner on 06-03-2018.

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

i. The Petitioner is the 4<sup>th</sup> Defendant in the above suit. The Petitioner has filed this application to set aside the exparte order dated 06-03-2018. The Respondents/Plaintiffs have filed the above suit seeking for declaration and other reliefs against their school and other Defendants. The Petitioner has appeared before this Court through his counsel. Further, this case has been posted written statement on his side. The Petitioner's counsel also informed with him that his case has posted for filing written statement on 06-03-2018 and some particulars are needed either to prepare the written statement or other necessary application on his side.

ii. The Petitioner is working as Head Master in Thiyagi NG Ramasamy Higher Secondary School. The Petitioner was held up in administrative works viz, paper correction, examiner and all other works in the school. More specifically, himself also suffering from severe viral fever. Moreover, he came to know the factum that the disputes with Plaintiffs and other Defendants will be solve soon

from reliable sources. But it did not happen so far. But the Plaintiffs are trying to get order against their school. Hence the Petitioner could not meet himself due to reasons stated above and other unavoidable circumstances. Finally on 06-03-2018 due to the Petitioner's absence and non-filing of his written statement, the Petitioner was called absent and set ex parte by this Court. The ex parte order was passed against the Petitioner on the same day by this Court.

iii. The Petitioner came to know that the Respondents / Plaintiffs are colluding with their Defendants and get the order against their school. If they succeed their attempts, they will be put to irreparable loss and hardship.

iv. Unless the ex parte order has been passed against the Petitioner on 06-03-2018 is set aside and an opportunity to defend the case, the Petitioner will be put to irreparable hardships and difficulties. There is no prejudice will be caused to the Respondents in any manner, if this Court going to allow this application.

v. It is therefore just and necessary that this Court may be pleased to set aside the ex parte order passed against the Petitioner on 06-03-2018 and pass such other necessary orders and thus render justice.

**3.** Though the Respondents entered appearance through their counsel, in spite of several opportunities, Respondents had not come forward to file counter statement, hence the Respondents called absent and set ex parte 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 06-03-2018 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 declaration and other reliefs against his school and other Defendants. The above case has been posted on 06-03-2018 for filing the Petitioner's written statement. The Petitioner is working as Head Master in Thiyagi NG Ramasamy Higher Secondary School and the Petitioner was held up in administrative works. The Petitioner was also suffering from fever and he came to know that the disputes between the parties will be solve soon from reliable sources, but it did not happened so far. But the Plaintiffs are trying to get order against his school. Hence due to his non-appearance and non-filing his written statement, this Court passed an exparte order against him on 06-03-2018. Hence, the Petitioner prays that this Court to set aside the exparte order against him.

6. Though the Respondents entered appearance through their counsel, in spite of several opportunities, Respondents had not come forward to file counter statement, hence the Respondents called absent and set exparte 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 4<sup>th</sup> Defendant in the above suit. The Petitioner is working as Head Master in Thiyagi NG Ramasamy Higher Secondary School and the Petitioner was held up in administrative works. When the case was posted for filing the Petitioner's written statement, due to the Petitioner's illness and he came to know that the disputes between the parties will be solve soon from reliable sources, he was not appeared before this Court and non-filing his written statement and hence on 06-03-2018, this Court passed an exparte order against the Petitioner. Now, the Petitioner prays to set aside the exparte order against him. Respondents remained exparte.

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 Respondents/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 29<sup>th</sup> day of January, 2026.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.

Draft/Fair Order in  
I.A.No.4/2025 in  
O.S.No.348/2017  
Dated:29-01-2026.