

**IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF CHIDAMBARAM**

**Present : Selvi. N.Keerthana B.A.,B.L.,  
Additional District Munsif,  
Chidambaram.**

**Thursday the 8<sup>th</sup> Day of October 2020**

**Interlocutory Application No.21/2020**

**in**

**Original Suit No.196/2016**

1. The District Collector,  
Cuddalore.
2. The Tahsildar,  
Bhuvanagiri.

... Petitioners/Defendants

**/Vs/**

Senthilkumar

... Respondent/Plaintiff

This petition came up for final hearing on 06.10.2020 in the presence of Thiru.K.Selvakumar Government Pleader for the Petitioners/Defendants and Thiru. N.Rajendran Advocate for the Respondent/Plaintiff and upon hearing both sides and on perusal of the case records and having stood over for consideration till this day, this court delivers the following.

**ORDER**

This petition filed under Order 9 Rule 7 of C.P.C to set aside the Ex-parte order dated 09.10.2017 passed against the petitioners/1<sup>st</sup> and 2<sup>nd</sup> defendants.

2. THE AVERMENTS MADE IN THE AFFIDAVIT FILED BY THE PETITIONERS ARE AS FOLLOWS:

The petitioners herein is the 1<sup>st</sup> and 2<sup>nd</sup> defendants and the respondent is the plaintiff in the suit. The 2<sup>nd</sup> petitioner conducts the case on behalf of 1<sup>st</sup> petitioner. On 09.10.2017, the 1<sup>st</sup> and 2<sup>nd</sup> petitioners/defendants was set Ex-parte for non filing of written statement. Due to heavy burden of work he could not meet the Government pleader and state the facts of the case and file his written statement. It is neither willful nor negligent. Therefore, this petition may be allowed to set aside the Ex-parte order passed against this petitioners.

3. THE AVERMENTS OF THE MEMO OF OBJECTION FILED BY THE RESPONDENT IS AS FOLLOWS:

The petition filed by the petitioner is not maintainable and liable to be dismissed in limine. The reason stated by the petitioner in the affidavit for non filing of written statement is denied by this respondent. On 09.10.2017 the petitioner was set Ex-parte but this respondent after a long delay of 3 years this petition was filed. It is true that the petitioners does not have a good case and therefore, in order to create irreparable loss and hardship. This petition is filed. The reasons for delay in filing the petition is not stated. Therefore this petition is liable to be dismissed with cost.

4. No oral and documentary evidence produced on both sides.

**POINTS FOR CONSIDERATION**

5. Whether this petition under Order 9 Rule 7 C.P.C has to be allowed or not?

6. After hearing both the sides and on perusal of case records this court concludes as follows. The petitioner states that only due to burden of work he could not file the written statement in time. The respondent states that after a long delay of 3 years this petitioner has filed the petition. On considering the facts and circumstances of the case, the petitioners has been given many opportunities to file the written statement but the petitioners/defendants has failed to file the same within the time given. And now, the petitioners/defendants has filed the written statement along with this petition. Further to avoid multiplicity of proceedings, future litigations and also in order to have a full fledged adjudication of the case, the petitioners shall be given an opportunity to get the case tried before this court and also to grant a reasonable and sufficient opportunity for this petitioner to defend the case it is just and necessary to allow this petition in the interest of justice.

7. In the result, this petition is allowed without cost.

Dictated by me, to the Steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the 8<sup>th</sup> day of October 2020.

(Sd/- N.Keerthana)  
**Additional District Munsif,  
Chidambaram.**