

Date: 17.04.2026

I.A.No. 43/2026

in

O.S.No.55/2022

(U/ Or. IX R. 7 CPC)

Orders Pronounced:

1. Petition and counter perused.

Heard both sides.

2. On perusal of records, it is found that already the petitioners were set exparte on 23.01.2023 and thereafter a petition under Order IX Rule 7 in I.A.No.148/2023 was filed on 16.03.2023 and allowed on cost on 19.06.2023.

3. When the suit was posted for defendants side evidence, the petitioner was set exparte on 06.10.2025 and thereafter this petition has been filed.

4. It is the contention of the learned counsel for the petitioners that the 1st petitioner's son who is the 4th petitioner met with an accident and was fighting for his life and thereby the petitioners could not appear before this court to let in evidence. Per contra, the learned counsel for the respondent argued that the petitioners have been willfully dragging the suit proceedings and cause undue hardship to the respondent.

5. Though this court is not satisfied with the reasons mentioned in the affidavit, this court being the court of first instance is inclined to provide one more opportunity to the petitioners to find out the real controversy between the parties and to completely adjudicate the dispute between them. Hence, in the interest of Justice, to avoid multiplicity of proceedings and for fair adjudication, this court deems it fit to allow this petition on payment of compensatory cost to the Respondent. Hence this petition is allowed on the following conditions:

i) The petitioner shall pay a cost of Rs.2,500/- to the counsel for Respondent on or before 27.04.2026.

ii) The petitioner shall examine in chief the DW-1 on 27.04.2026.

On the failure to comply both conditions, this petition shall stand automatically dismissed. For compliance call on 27.04.2026.

Principal District Munsif,(F.A.C)
Tittagudi.

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