

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

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Friday, the 5th day of June, 2026

I.A.No.3/2025
in
O.S.No.157/2020

1. Regi Florence Paul Prabhakaran Ling
2. Shanthini Paul Ling
3. Mercy Lilly Angel Ling
4. Faith Mary Isabella Ling
5. V.Gift Immanuel Alexander Ling . . . Petitioners / Defendants.

/Vs/

L.Maryraj . . . Respondent / Plaintiff.

This petition came up before me for final hearing on 20.02.2026, in the presence of Thiru.K.V.Sudhir Babu, Advocate for the petitioners and Tvl.G.Peranban, M.Manimegalai, Vaahini, S.M.Dharani and D.Harris Devadoss, Advocates for the respondent, upon hearing the arguments of both sides, perusing the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioners under Order IX Rule 7 of CPC to set aside the exparte order pronounced on 96.12.2024 in the suit.

2. The averments set out in the petition filed by the petitioners briefly read as follows :

The petitioners are the defendants in the suit. The petitioners 3, 4 and 5 are the legal heirs of Tr.J.Victor Ling, 1st petitioner is the wife and the 2nd petitioner is the daughter of Tr.V.Paul Prabhakaran Ling. The said Tr.V.Paul Prabhakaran Ling is the son of Tr.Victor Ling. The petitioners are not living in the address as stated by the plaintiff in the plaint. After marriage, the petitioners are living in different places of the town. However, the 3rd defendant only is living in the address given by the plaintiff. The petitioners hard meet each other during family functions and on festivals. Likewise, when they got together for 2024 Christmas celebrations, they came to know about the suit and its averments and when they enquired about the same, they came to know that the above matter was called on 06.12.2024 and they were set exparte for non-filing of written statement and counter. Moreover, one after the other the petitioners got sick for few months and could not meet their counsel all together and instruct him for filing their written statement and counter on the said date. Therefore, they could not be present in the court on the said

date due to the above said reason. The absence of petitioners and non-filing of written statement and counter is not wanton. Now the petitioners are filing their written statement along with this petition. Hence, the petition.

3. The averments set out in the counter filed by the respondent briefly read as follows :

The petition is not maintainable either in law or on facts, since the petition itself is not maintainable. The petitioners have simply stated that they are not aware of the suit because they are living in different places. Further the petitioners have nowhere stated the reason for non-filing of written statement nearly for 4 years. Therefore the reason is absurd and no fear about the consequences of the adjudication. It is pertinent to mention that the petitioners have engaged an advocate to defend the case 4 years ago. But now pleads no knowledge about the suit. The petitioners have deliberately failed to file their written statement nearly for the period of more than 4 years and many opportunities were given to them to file their reply and it is a clear tactic to delay the justice. The petitioners have approached this court with unclean hands and very lethargic reason was given for her absence. If the petition is allowed, the respondent will be put to great loss, hardship and injury. On the other hand, if the petition is dismissed, the justice shall prevail. Hence, prayed for dismissal of petition.

4. The point that arises for consideration is :

Whether the exparte order passed against the defendants 1 to 5 on 06.12.2024 has to be set aside?

5. On point :

Heard the counsel for both sides and perused the records. On perusal of records, vakalath for defendants 1 to 5 was filed on 20.4.2022, and another counsel filed vakalat for the 6th defendant on the same day and the suit stood posted for written statement of D1 to D5 and D6 on 29.08.2022. After several adjournments, on 06.12.2014, the 6th defendant filed written statement. However, since the defendants 1 to 5 have not filed written statement, they were set exparte on the said date and the suit was posted for framing of issues. Thereafter, immediately on the 2nd hearing on 28.03.2025, the defendants 1 to 5 have filed the present petition, which shows that they are keenly watching the stage of the case without making any progress on their side in the case. This wanton attitude of the defendants 1 to 5 without filing written statement from 20.04.2022 (the day on which the defendants 1 to 5 appeared before the court) till 06.12.2024, i.e., for more than 2-1/2 years is nothing but a delaying tactic to drag the case for years together in a very convenient manner, which is to be condemned. Further the defendants 1 to 5 have not given any documentary evidence to show illness suffered by them one after the other. However, considering the nature of suit that it is a suit

for partition, this court in a pragmatic view is inclined to allow this petition, but on payment of cost.

In the result, the petition will be allowed on payment of cost of Rs.1,000/- (Rupees One Thousand only) to the respondent on or before 19.06.2026, failing which the petition shall stand dismissed.

Call on 22.06.2026.

Typed to my dictation, corrected and pronounced by me in open court, on this the 5th day of June, 2026.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.