

IN THE COURT OF THE SUBORDINATE JUDGE, ODDANCHATRAM

PRESENT : Thiru.C.Jayaprakash.,M.Com.,M.L.,

Subordinate Judge, Oddanchatram.

Friday, the 6th day of February 2026

திருவள்ளூர் ஆண்டு 2056 விசுவாசு வருடம் தை மாதம் 23-ம் நாள்

I.A.No.987/2022

in

O.S.No.960/2022

A.K.Thangavel

... Petitioner / Plaintiff

/ Vs/

01. Palanisamygounder (Died)

02. Valliyammal

03. Karuppaththal

04. Leelavathi

05. Thangavel

06. Chinnasamy

07. Nagarajan

08. Velusamy

... Respondents / Defendants

This petition is coming on 06.02.2026 before me in the presence of Thiru.D.Jeevanantham Counsel for the Petitioner / Plaintiff and R1 is died and R3, R4, R7 are called absent set exparte and Thiru.P.Mahendran counsel for R2, R5, R6, R8 and upon perusing the case records, having stood over for consideration, this court delivers the following.

### **ORDER**

Petition filed on behalf of the Petitioner / Plaintiff Under Order 9 Rule 9 of C.P.C to order to restore the suit which was dismissed against D3, D7 on 11.10.2022.

..2..

Petitioner side enquiry heard. Notice of Hearing already given. R1 is died. R3, R4, R7 are called absent already set exparte. R2, R5, R6, R8 side endorsed as petiton may allowed on heavy terms. It is settled that no one can left without heard and if any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This court of view that in order to give a chance to the Petitioner / Plaintiff and in the interest of justice and as per the Audi Alteram Partem Principle, this court inclined to allow this petition with costs.

In fine,

The Petitioner / Plaintiff directed to pay the cost of Rs.1,000/- (Rupees One Thousand only) to R2, R5, R6, R8 on or before 19.02.2026. On failure this petition shall stand dismissed automatically. Call on 20.02.2026

This order pronounced by me in the open court, on this the 06th day of February 2026.

(S/d–Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.

Petitioner / Plaintiff side witnesses : Nil

Petitioner / Plaintiff side Documents : Nil

Respondents / Defendants side witnesses : Nil

Respondents / Defendants side Documents : Nil

(S/d–Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.

IN THE COURT OF THE SUBORDINATE JUDGE, ODDANCHATRAM

PRESENT : Thiru.C.Jayaprakash.,M.Com.,M.L.,

Subordinate Judge, Oddanchatram.

Friday, the 6th day of February 2026

திருவள்ளூர் ஆண்டு 2056 விசுவாசு வருடம் தை மாதம் 23-ம் நாள்

I.A.No.987/2022

in

O.S.No.960/2022

A.K.Thangavel, Age 58/2022, S/o.Kanthasamygounder, A.K.T.Complex, Naganampatti Road, Oddanchatram Taluk, Dindigul District. ... Petitioner / Plaintiff

/ Vs/

01. Palanisamygounder (Died), Age 80/2022, S/o.Muthusamygounder, Kaveriyammappatti, Oddanchatram Taluk, Dindigul District.

02. Valliyammal, Age 70/2022, W/o.Palanisamygounder, Kaveriyammappatti, Oddanchatram Taluk, Dindigul District.

03. Karuppaththal, Age 55/2022, W/o.Sennimalaigounder, D/o.Palaisamygounder, Ambilikai Village, Oddanchatram Taluk, Dindigul District.

04. Leelavathi, Age 53/2022, W/o.Palanivel, D/o.Palanisamygounder, Comalipatti, Vadakadu Village, Oddanchatram Taluk, Dindigul District.

05. Thangavel, Age 45/2022, S/o.Palanisamygounder, Kaveriyammappatti, Oddanchatram Taluk, Dindigul District.

06. Chinnasamy, Age 40/2022, S/o.Palanisamygounder, Kaveriyammappatti, Oddanchatram Taluk, Dindigul District.

07. Nagarajan, Age 45/2022, S/o.Karuppaiya, Door No.12, Gurusampillai Santhu, Dindigul Town, Dindigul District.

08. Velusamy, Age 50/2022, S/o.Karuppanagounder, Door No.30A-10, Dindigul Road, Oddanchatram Taluk, Dindigul District. ... Respondents / Defendants

..2..

Petition filed on behalf of the Petitioner / Plaintiff Under Order 9 Rule 9 of C.P.C to order to restore the suit which was dismissed against D3, D7 on 11.10.2022.

Date of Petition : 25.11.2022

Stamp on Petition : Rs.20/-

This petition is coming on 06.02.2026 before me in the presence of Thiru.D.Jeevanantham Counsel for the Petitioner / Plaintiff and R1 is died and R3, R4, R7 are called absent set exparte and Thiru.P.Mahendran counsel for R2, R5, R6, R8 and upon perusing the case records, having stood over for consideration, this court delivers the following.

**DECREETAL ORDER**

The Petitioner / Plaintiff directed to pay the cost of Rs.1,000/- (Rupees One Thousand only) to R2, R5, R6, R8 on or before 19.02.2026. On failure this petition shall stand dismissed automatically.

**SCHEDULE OF PROPERTY**

NIL

**DETAIL OF COSTS**

| Cost List Details | Petitioner / Plaintiff<br>Rs. | Respondents / Defendants<br>Rs. |
|-------------------|-------------------------------|---------------------------------|
| Stamp on Petition | Rs.20/-                       |                                 |
|                   |                               |                                 |
|                   | Cost list not filed           |                                 |

Given under my hand and seal of this court this the 06<sup>th</sup> day of February 2026.

(S/d-Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.