

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

Present: Tmt.U.Monica,M.L.,  
Additional District Judge,  
Dharmapuri.

Wednesday, this the 15th day of October 2025

I.A.No.9/2025

in

O.S.No.5/2012

Govindharaj.

... Petitioner/11th defendant

/versus/

1.Govindhammal.

2.Nagavalli.

... Respondents/plaintiffs.

This petition is coming on 14.10.2025 for final hearing before me in presence of Mr.A.Nanthakumar, Advocate for petitioner and Mr.K.M.R.Venkatachalapathi, Advocate for second respondent and upon hearing both side arguments, on perusal of the entire case records and having stood over till this day, this court pronounces the following order:

**ORDER**

This is a petition filed under Order 9, Rule 7 and section 151 of CPC to set aside the exparte order dated:4.8.2025.

**2. The averments in the petition in brief is as follows:**

According to the petitioner the case was posted on 4.8.2025 for filing the written statement as the petitioner was not in possession of certain important documents, he was unable to file written statement and he was set exparte. He has got good case on merits. Hence the petition has to be allowed.

**3. The counter filed by the second respondent in brief is as follows:**

The respondent resisted the petition by contending that, all the allegations in the petition are not correct. The petitioner is very well aware of the case and Judgment. Hence with the other respondents and filed this petition with false allegations. This petition filed with out written statement is not at all maintainable. This petition filed without counter of Sri Vidhyamandir Trust creates doubts. The petition has been filed only to drag on the proceedings and liable to be dismissed.

**4. The point for consideration:**

Whether the petition is to be allowed or not?

5. Heard both side. No oral or documentary evidence have been adduced on either side.

**6. Point:**

6.1) The petitioner alleges that, he is not able to collect certain important documents. Hence cannot file written statement in time.

6.2) The respondents allege that this petition has been filed without any merits and liable to be dismissed.

6.3) This court is of view, as this is a suit for partition, in the interest of Justice, for proper adjudication of the case and their is no huge delay in filing the petition,the petition has to be allowed.It is settled position of law that filing of written statement is not a precondition for allowing order 9 rule 7 petition.In the interest of justice,to provide the petitioner an opportunity to prove the case and to prevent multiplicity of proceedings

and for proper adjudication of the case, petition has to be allowed. Hence the petition is allowed on payment of cost.

**In the result, the petition is allowed and payment of Rs.1000/- to respondents. Cost to be paid on or before 22.10.2025 failing which the petition stands dismissed. Call on 23.10.2025.**

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 15th day of October 2025.

Additional District Judge,  
Dharmapuri.

**Petitioner Side witness, Exhibits: Nil**  
**Respondents Side witness, Exhibits: Nil**

Additional District Judge,  
Dharmapuri.

**Fair Order**  
I.A.No.9/2025 in  
O.S.No.5/2012  
Dated:15.10.2025.