

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

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

Wednesday, this the 11th day of March 2026

I.A.No.3/2026
in
O.S.No.171/2024

1.Rukkumani.
2.Rupa.
3.Ramachandiran.
4.Palani.

..... Petitioners / 8th, 9th, 10th, 11th
defendants.

/versus/

Ammasi.

..... Respondent/plaintiff.

This petition is coming on 11.3.2026 for final hearing before me in presence of Thiru.K.Ganesan, Advocate for petitioners and Thiru.P.Siva, Advocate for respondent and upon hearing both side arguments and on perusal of the entire case records and having stood over till this day, this court pronounced the following:

ORDER

This petition has been filed under order 9 rule 7 CPC and section 151 of CPC to set aside the exparte decree.

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

According to petitioners, their father Gopal was conducting the case, their father did not inform about the stage of the case, they were set exparte on 3.10.2024 for not filing the written statement and their father died on 23.10.2024. The plaintiff had been proclaiming in the village that the suit was decreed in his favour, after that

the petitioner contacted the counsel and came to know about the stage of the suit. They have got good case on merits. Only because their late father's health was affected, he did not file written statement in time. Hence exparte order has to be set aside.

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

The petitioner after receipt of summons had engaged an advocate. However, failed to file written statement. After the completion of trial and the case is posted for arguments, verifying the E-court the petition has been filed, there is no merits in the petition and petition is 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 both side.

6. Point:

6.1) The petitioners allege that as their father who conducted case on their behalf had not informed about the stage of the suit, later died, they were unable to file written statement in time, they have got good case on merits. Hence exparte order has to be set aside.

6.2) The respondent resisted the petition by contending that petition has been filed without any merits and drag on the proceedings and liable to be dismissed.

6.3) This is a suit for partition. As the petitioners allege that their father who

was conducting the case died, they were unaware of the stage of the case. Taking into consideration, this is a partition suit among family members, this court is of view that in the interest of justice, to provide an opportunity to prove the case and prevent multiplicity of proceedings and for proper adjudication of the case, that this petition has to be allowed on cost,

In the result, petition is allowed on payment of cost of Rs.1000/- to respondent on or before 16.3.2026 failing which petition stands dismissed. Call on 17.3.2026.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 11th day of March 2026.

Additional District Judge,
Dharmapuri.

Petitioner side Evidence, Exhibits: Nil
Respondents Side Evidence, Exhibits: Nil.

Additional District Judge,
Dharmapuri.

Fair Order
I.A.No.3/2026 in
O.S.No.171/2024
Dated:11.3.2026.