





aver that the plaintiff alone has been declared as the legal heir, however, it was apprised from the enquiry by the Village Administrative Officer that there are other legal heirs and it is necessary to declare them his legal heirs. The petitioners aver that the respondent has sought for declaration of the respondent as well as defendants 1 to 3 as legal heirs, however, the respondent alone has been declared as the legal heir. Hence, it is necessary to set aside the decree and pray for allowing this application to condone the delay of 52 days.

***Non-filing of counter by the respondent:***

2. Sufficient opportunities were given to the respondent to file counter and the respondent failed to file counter and was set *ex parte* on 18.07.2024.

***Point for consideration:***

3. Whether this application is liable to be allowed?

***Evidence:***

4. Neither of the parties to this application has adduced any oral or documentary evidence.

***Discussion:***

5. This Court, having considered the arguments advanced on petitioner's sides and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion. This suit has been instituted for declaration of the respondent / plaintiff and defendants 1 to 3 as legal heirs of late Govindhasami. The suit has been decreed *ex parte* on 29.09.2023 by partly decreeing the suit granting the relief of declaration in respect of the plaintiff alone. Now, the petitioners / the 4, 5 defendants have come up with this application to condone the delay of 52 days in filing application to set aside the *ex parte* decree. The reason stated by the petitioners

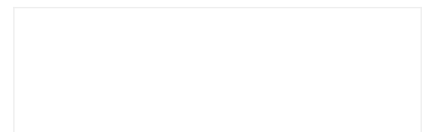


are that the the summons served upon the petitioners were misplaced and that upon enquiry, the petitioners, the defendants 1 to 3 are also found to be legal heirs and it is necessary to set aside the *ex parte* decree. The petitioners have also filed written statement along with this application to show their genuine interest in contesting the sit. The reason furnished by the petitioner is that the summonses have been misplaced. The reasons stated are found satisfactory, since it is common site in Government Officers of misplacing pertinent records. Further, the delay is only of 52 days which is meager and condonable. Further, the petitioners have also filed written statement along to this application which shows their *bonafide* interest in contesting the suit. Hence, the reasons furnished by the petitioners are satisfactory and this Court is inclined to allow this application.

***Result:***

***6. As a result, this application is allowed and the delay of 53 days is condoned. No cost.***

This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 29th day of July 2024.



District Munsif  
Uthangarai

**Annexure**

**Petitioner side evidence**

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

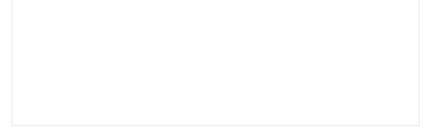


**Respondent side evidence**

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

**Court Documents:** Nil



District Munsif  
Uthangarai