



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, the petitioners pray for allowing this application and to set aside the *ex parte* decree dated 29.09.2023 passed against the petitioners / defendants 4 & 5.

No objection by the respondent:

2. The learned counsel for the respondent endorsed no counter on 05.09.2024.

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 both 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 / 4th, 5th defendants have come up with this application to set aside the *ex parte* decree passed against them. The reason stated by the petitioners are that 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

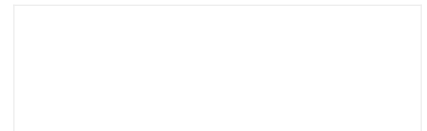


show their genuine interest in contesting the suit. The reason furnished by the petitioner is that the summonses have been misplaced. The reasons stated are found satisfactory, since it is common site in Government Officers of misplacing pertinent records. Further, the petitioners have also filed written statement along to this application which shows their *bonafide* interest in contesting the suit. Hence, the reasons furnished by the petitioners are satisfactory, and hence, this Court is inclined to allow this application without any cost.

Result:

6. As a result, this application is allowed and the ex parte decree dated 29.09.2023 passed against the petitioners and other defendants is set aside. 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 10th day of September 2024.



District Munsif
Uthangarai

Annexure

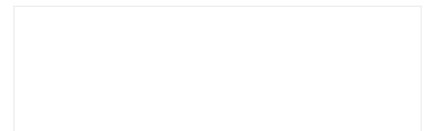
Petitioner side evidence

Petitioner side Witnesses & Exhibits: Nil

Respondent side evidence

Respondent side Witnesses & Exhibits: Nil

Court Documents: Nil



District Munsif
Uthangarai