

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Friday, on the 1st day of August, 2025.

I.A. No.4 of 2025 &

I.A.No.5 of 2025 in I.A.No.2 of 2024

O.S. No.20 of 2024

CNR No.TNKK04-000049-2024

R. Paranika Devi

... Petitioner/3rd Defendant

-vs-

1. A. Rajeshkumar

2. A. Rajan

3. S. Sankar

4. S. Vasanthi

... Respondents/Plaintiffs

These Petitions came up before me on 31.07.2025 for final hearing in the presence of Mrs. K. Subhakaravel, Advocate for the Petitioner / 3rd Defendant and Thiru. M.S. Moorthy, Advocate for the Respondents / Plaintiffs, endorsed “May be allowed on terms” and upon hearing both sides and upon perusing the case records and having stood over for consideration, till this day, this Court delivers the following:-

COMMON ORDER

Prayer in I.A.No.4 of 2025:

The Petitioner had filed under Order IX Rule 7 and Section 151 of the Code of Civil Procedure, seeking to set aside the ex parte order passed against the 3rd defendant on 06.12.2024.

Prayer in I.A.No.5 of 2025 in I.A.No.2 of 2024 :

The Petitioner had filed under Order IX Rule 7 and Section 151 of the Code of Civil Procedure, seeking to set aside the ex parte order passed against the 3rd defendant on 06.12.2024 in I.A.No.2 of 2024.

2) Gist of Averments in the Petitioner / Plaintiff Petitions

The Petitioner is the 3rd defendant in this suit and the deponent herein. It is submitted that the above cases was posted for filing written statement and counter in the previous hearing on 06.12.2024 respectively. Since, petitioner was not able to collect and produce all the relevant documents of plaint schedule properties to petitioner's Counsel on time. The petitioner's counsel was not able to file the written statement and counter on time. So, this court during that time at calling hours. This court had set ex parte against the 3rd defendant in the above case and I.A.No.2 of 2024.. The non appearance and non filing of written statement and counter in I.A.No.2 of 2024 on 06.12.2024 is neither willful nor

wanton. The petitioner have valid contention in this suit / petition. The petitioner have filed the written statement and counter along with this exparte set aside petition. In the exparte order passed against petitioner on 06.12.2024 is not set aside then, petitioner will put into huge loss and hardship. Hence, these petitions are to be allowed.

3) The Respondents Counsel endorsed “May be allowed on terms” in this petition.

4. The point for consideration is whether the above petition has to be allowed or not?

5. Point:

Heard both sides. Records perused. The Petitioner is the 3rd defendant in the suit and 3rd respondent in I.A.No.2 of 2024. An exparte order passed against the 3rd defendant in the above suit and I.A.No.2 of 2024. The petitioner states that the non filing of written statement and counter for I.A.No.2 of 2024 on the date of hearing as all the relevant documents of plaint schedule properties had to be collected and produced to petitioner's Counsel thus, not able to file the written statement and counter on time. Considering the above reason in order to give fair opportunity and in the interest of justice, this court is inclined to allow these petitions on conditional cost.

As the result,

I.A. No. 4 of 2025:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 08.08.2025. otherwise, this petition would be dismissed. Call on 08.08.2025.

I.A. No. 5 of 2025 in I.A.No.2 of 2024:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 08.08.2025. otherwise, this petition would be dismissed. Call on 08.08.2025.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 1st day of August, 2025.

II Additional District Munsif
Nagercoil.

List of witness and documents for Petitioner side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.4/2025 and
I.A.No.5/2025 in I.A.No.2/2024 in
O.S.No.20 of 2024
Date: 01.08.2025.*

