

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

**Present : Selvi. V. Sivaranjani, B.A., L.L.B.,**  
II Additional District Munsif, Nagercoil.

Monday, on the 02<sup>nd</sup> day of February, 2026

**I.A. No.6 of 2025 in O.S. No.30 of 2024**

**CNR No.TNKK04-000069-2024**

Jenova

represented by Power of Attorney

J. Thatheys

... Petitioner / Plaintiff

-vs-

1. Indian Oil Corporation Ltd.

Rep. by Divisional Retail Sales Head,

Madurai

2. The Parish of Chinnamuttom Thomas Church,

represented by Parish Priest,

Rev. Fr. P. Sahaya Vinet Magam

... Respondents / Defendants

This petition came up before me on 28.01.2026 for a final hearing in the presence of Thiru. S. Muthukaruppa Pillai, Advocate for the Petitioner and 1<sup>st</sup> and 2<sup>nd</sup> Respondents, called absent, set exparte and upon hearing Petitioner side and upon perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

The petitioner has filed the above petition under Order IX Rule 9 and Section 151 of the Code of Civil Procedure, seeking to set aside the dismissal order dated 12.09.2025, restore the suit to file, and dispose of the same on merits.

2. Gist of Averments in the Petitioner / Plaintiff Petition :

The petitioner herein, the Power of Attorney Holder of the Plaintiff in the suit, and petitioner was well acquainted with the facts of the case. The plaintiff has filed the present suit against the defendants seeking permanent injunction and other consequential reliefs. It is respectfully submitted that the suit was posted on 12.09.2025 for adducing evidence on behalf of the Plaintiff. Unfortunately, petitioner was unable to appear and depose on the said date due to petitioner illness. In these circumstances, this court dismissed the suit for default on account of non-adduction of evidence on the part of the Plaintiff. The said default was neither wilful nor wanton. The plaintiff has a bonafide and meritorious case and would suffer grave hardship and irreparable loss if the suit is not restore. Therefore, it is prayed that this court to set aside the dismissal order dated 12.09.2025 and restore the suit to file, in the interest of Justice, failing which the plaintiff will be put to irreparable loss and injury. Hence, the petition is allowed.

3. The respondents were set exparte.

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

5. Point:

Heard the petitioner Counsel. Records perused. The petitioner is the plaintiff in the suit filed for Permanent injunction. The suit has been dismissed for default on 12.09.2025 for non-appearance of plaintiff, when the suit was posted for trial. The reason stated that, petitioner was unable to appear and depose on the said date due to petitioner illness.

6. Even though no documents were filed to substantiate the above reason, only with a view to giving one more fair opportunity to the petitioner / plaintiff and deciding the case on merit and in the interest of justice, this court is inclined to allow this petition with conditional cost.

**As a result,**

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 07.02.2026. otherwise, this petition would be dismissed. Call on 07.02.2026.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 2<sup>nd</sup> day of February 2026.

II Additional District Munsif,  
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondents side witnesses and documents : Nil.

II Additional District Munsif  
Nagercoil.

*Draft/Fair Order*  
*I.A.No.6/2025 in*  
*O.S.No.30/2024*  
*Date: 02.02.2026.*  
*II ADM Court, Nagercoil.*