

In the Court of the II Additional District Munsif, Nagercoil

Present: Thiru.R.Sundara Kamesh Marthandan, M.L.,
II Additional District Munsif, Nagercoil.

Saturday, on this 25th day of March 2023.

I.A. No.4 of 2020 and I.A. 6 of 2020
in
Original Suit No. 46 of 2020.

1.The District Collector,
Kanyakumari District.

2. The Block Development Officer
Agastheeswaram, Perumalpuram

3. The President, Swamythoppu Village Panchayat,
Swamythoppu Post,

4. The Thashildhar, Agasteeswaram Taluk,
Nagercoil.

... Petitioners

-vs-

1.Bala. Prajapathi

2.P.Pyan Krishna Raj

3.P.Pyan Krishna Nama Mani

4.P.Pyan Chella Vadivoo

5.P.Pyan Namrish Chella

6.A. Shanthi Subbiah

7. Shweta Subbiah

8. Shivani Subbiah

...Respondents

This Petition came up before this Court on 27.02.2023, in the presence of
Government Pleader for the Petitioner and Mr. C.Ashok Kumar and upon

perusing the case records and having stood over for consideration till this day, this Court delivers the following:

Common Order

1. The defendants 1 to 4 have filed I.A. No. 6 of 2020, section 151 CPC, seeking an order to Re-open I.A.No.3 of 2020.

2. The defendants 1 to 4 have filed I.A.No. 4 of 2020 under Order IX Rule 7 CPC seeking an order to set aside the exparte order dated 27.08.2020 passed in the above suit.

3. The above Petitions were supported by affidavit filed by the 4th Petitioner namely, the Tahsildar, Agastheeswaram Taluk. In the said affidavit, it is stated that during such time when the case was posted for their appearance, it was COVID-19 pandemic period and that in view of unavoidable circumstances they could not enter appearance in the above suit. Hence they were set exparte in the above suit as well as in I.A. No.3 of 2020. Hence they have come up with the above Petitions.

4. In the above Petitions, they have arrayed the plaintiffs as well as defendants 5 to 7 as respondents. The Respondents 1 to 5/ Plaintiffs have endorsed no counter. However the Petitioner have not taken steps against the Respondents/Defendants 6 to 8. Hence the above Petitions against Respondents 6 to 8 was dismissed for default.

5. In so far as the Respondents1 to 5/Plaintiffs they have endorsed no counter and that the Petitioners have stated that due to COVID-19 pandemic

situation they could not appear before this Court. Since the Petitioners are Revenue Officials and Local Body, obviously they were engaged in COVID-19 eradication works. Hence this Court considers it fit and proper to set aside the ex parte order passed against the Petitioners/ D1 to D4.

In the result,

I.A. No. 4 of 2020 is allowed. No cost.

I.A. No. 6 of 2020 is allowed. No cost.

This Order is dictated to the steno-typist directly, typed by her in computer, printout taken, corrected and pronounced by me in Open Court, this the 25th day of March 2023.

II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif
Nagercoil.

I.A. No.4 of 2020 and I.A. 6
of 2020 in O.S.No. 46 of 2020.
Fair Order
Date : 25.03.2023