

**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 14th day of November, 2025.

I.A. No. 6 of 2025 in O.S. No. 69 of 2022

CNR No.TNKK04-000107-2022

Wilson

... Petitioner / Plaintiff

-vs-

1. The Bishop,
The Church of South India,
Kanyakumari Diocese.
2. The Treasurer,
The Church of South India,
Kanyakumari Diocese.
3. The Pastor,
Chirakarai Church, CSI Chirakkarai
4. J. Victor,
The Treasurer,
Chirakarai Church Building Committee.
5. Jabaraj, Accountant,
Chirakarai Church Building Committee
6. Amose, Co-convenor,
Chirakarai Church Building Committee
7. Yabeth Raj, Convenor,
Chirakarai Church Building Committee

8. Ebenezer, Convenor,
Chirakarai Church Building Committee

9. Esai, Convenor,
Chirakarai Church Building Committe

... Respondents / Defendants

This petition came before this court on 10.11.2025 for a final hearing in the presence of Mr. A. Jaya Chandra, Advocate for the Petitioner / Plaintiff and Mr. J. Chandramohan, Advocate for the 1st to 3rd Respondents, endorsed “Petition may be allowed on terms” and Mr. S. Senthilkumar, Advocate for the 5th Respondent, counter not filed, set exparte and Mr. K. Saravanakumar, Advocate for the 7th Respondent, counter not filed, set exparte and 4th, 6th, 8th and 9th Respondents called absent, set exparte and upon hearing Petitioner side, perusing the case records, and having stood over for consideration till this day, this court hereby 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 21.08.2025 and the matter is to be heard and disposed off on merits.

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

The petitioner is the plaintiff in this suit. The petitioner has filed this suit for mandatory injunction and for other reliefs. The said case is posted to

21.08.2025 for trial. Meanwhile due to petitioner age, petitioner suddenly fell ill and due to severe Rheumatic complaint, petitioner was unable to appear before the court on that date. Due to the above said reason on 21.08.2025 this court has dismissed the suit filed by petitioner also. Petitioner was having very strong case to succeed and petitioner non-appearance on 21.08.2025 or any other date is neither willful nor wanton. The petitioner was always ready to proceed with the case. Under these circumstances it is just and necessary to set aside the dismissal order dated 21.08.2025 and the matter is to be heard and disposed off on merits; otherwise, petitioner will be put to irreparable loss and damages. Hence, this petition is to be allowed.

3) The 1st to 3rd Respondents counsel endorsed “No counter” in this petition and 5th and 7th Respondents, counter not filed, set exparte and 4^t, 6th, 8th and 9th Respondents were set exparte.

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 plaintiff in the suit filed for Mandatory injunction and other reliefs. The suit has been dismissed for default on 21.08.2025 for non-appearance of plaintiff, when the suit was posted for trial. The reason stated that the petitioner is due to petitioner’s age, petitioner suddenly fell ill and due to severe Rheumatic

complaint, petitioner was unable to appear before the court on that date. Petitioner claims having very strong case to succeed and petitioner's non-appearance on 21.08.2025 or any other date is neither willful nor wanton.

8) Even though no documents were filed to substantiate the same. However, with a view to giving one more opportunity to the petitioner/plaintiff and deciding the case on merit, this court is inclined to allow this petition with conditional cost.

As a result,

This petition is allowed, on the condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 19.11.2025. otherwise, this petition would be dismissed. Call on 19.11.2025.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 14th day of November, 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.6/2025 in
O.S.No.69 of 2022
Date: 14.11.2025.*