

I.A.8/2025
in
MCOP.No. 33/2020

Date : 20.02.2026

Order pronounced

The Petitioner/3rd Respondent has filed this petition U/o. 18 Rule 17 of C.P.C to recall the PW1 for cross.

2. Notice has given to respondent. Counter filed. Both sides heard. Records also carefully perused.

3. The Peittioner stating that in his affidavit that the case was posted for filing counter of R1 and R3 on 23/06/2023. Due to delay of investigation report this petitioner was unable to file counter. Since this court has passed exparte order against this petitioner unable to cross examined the PW1.

4) Though this petition is objected by way of counter of the Respondent. It is the settled law that now one can throughnout without giving opportunity to raise his defence. Hence this court is inclined to allow this petition.

In the result, this petition is allowed. No costs.

Subordinate Judge,
Padmanabhapuram

I.A.7/2025
in
MCOP.No. 33/2020

Date : 20.02.2026

Order pronounced

The Petitioner/3rd Respondent has filed this petition U/o. 9 Rule 7 of C.P.C to set aside the ex parte Order passed against this petitioner on 23.06.2023.

2. Notice has given to respondent. Counter filed. Both sides heard. Records also carefully perused.

3. The Petitioner stating that in his affidavit that the case was posted for filing counter of R1 and R3 on 23/06/2023. Due to delay of investigation report this petitioner was unable to file counter. Hence this court has passed ex parte order against this petitioner.

4) Though this petition is objected by way of counter of the Respondent. It is the settled law that now one can throughnout without giving opportunity to raise his defence. Hence this court is inclined to allow this petition.

In the result, this petition is allowed. No costs.

Subordinate Judge,
Padmanabhapuram