

In the Court of the Principal District Judge,
Principal District Court, Kancheepuram.

PRESENT: **Tmt. Deepthi Arivunithi, M.L.,**
Principal District Judge,
Principal District Court ,
Kancheepuram.

Thursday the 26th day of March 2026

IA.No.2/2024 in O.S. No.188/2021

1. Gowriyammal

2. Sivamani

...Petitioners/Defendants 1 & 2.

Vs

1. S. Sivapakasam

2. Arun Kumar

4. Subramani

4. Prabhavathi

.. Respondents/Plaintiffs.

This petition is coming on 07.02.2026 for final hearing before me in the presence of M/s. M. Madhanagopal and S. Bharathi, Counsels appearing for the Petitioner and M/s. P. Elavarasu and M. Nareshbabu, D. Lingappan, Counsels for the respondents and upon hearing the arguments on both sides and upon perusal of records and having stood over the matter for consideration till this day, this court delivered the following

ORDER

Petition filed under Order IX Rule 7 C.P.C. to set aside the exparte order dated 05.09.2023 passed against the petitioners/defendants in O.S. No. 188 of 2021.

2. The learned counsel for the petitioners/defendants would contend as follows.

Since the 2nd petitioner/2nd defendant was unwell due to advance stage of sugar and heart related problems, he was unable to move out of the house for more than seven months and therefore, he was unable to give suitable instructions to his counsel for filing the written statement. Now, the petitioners have filed the written statement before this court and therefore, that the petition be allowed.

3. The learned counsel for the respondent/plaintiff would contend as follows.

The petitioners entered appearance on 15.12.2021. The case was posted for filing written statement on 09.02.2022. Several opportunities were given to the petitioners to file the written statement despite which the same was not filed. The reasons given cannot be considered as sufficient cause. The petitioners have filed this petition only to grab the suit properties and to delay the proceedings. Hence, that the petition is to be dismissed.

4. Upon hearing both sides and having perused the materials on record, this court finds as follows. The main suit is filed by the respondent/plaintiff for a relief of declaration, injunction and for dividing the suit property into four shares and to allot one share to each plaintiff. The petitioners/defendants have filed the present petition to set aside the exparte order and seeking an opportunity to file the written statement on the ground that the 2nd petitioner was unwell and was unable to contact his counsel in time to file the written statement. Considering the nature of the relief claimed by

the respondent/plaintiffs and in order to grant an effective opportunity to the petitioners/defendants to contest the suit on merits, this court is inclined to allow this petition on payment of costs.

5. In result, this petition is allowed on condition that a sum of Rs.2,000/- to the respondents/plaintiffs on or before 08.04.2026. Call on 09.04.2026.

//This order has been partly dictated by me to the Stenographer, typed by her in the computer, and partly typed by me in my laptop corrected and pronounced by me in the open Court on this the Thursday the 26th day of March 2026//

Principal District Judge,
Principal District Court,
Kancheepuram.

Exhibits and Witnesses on both side: NIL.

Principal District Judge,
Principal District Court,
Kancheepuram.

Draft/Fair Order
I.A.No.2/2024 in
O.S.No.188/2021
D.D. 26.03.2026
Principal District Court ,
Kancheepuram.

