

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.

Friday the 27th day of March 2026

IA.No.1/2025 in O.S. No. 413/2024

S. Punniyakotti

...Petitioner/defendant.

Vs

Sahul Hammed

.... Respondent/plaintiff.

This petition is coming on 20.02.2026 for final hearing before me in the presence of M/s. A. Raju, M. Mugesh, R. Sham sundar, Counsels appearing for the petitioner/defendant and M/s. K. Jothisivam, K. Murugan, Counsels for Respondent/plaintiff and upon hearing the arguments on both sides and upon hearing 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 in 12.06.2025 passed against the petitioner/defendant in O.S. No. 413 of 2024.

2. The learned counsel for the petitioner/defendant would contend as follows. The petitioner is 83 years old. He was suffering from viral fever due to which he was unable to contact his counsel on the date of the hearing. He was set exparte for non-

filing of written statement. Now, he has filed the written statement along with this petition. Hence, that this petition be allowed.

3. The learned counsel for the respondent/plaintiff would contend as follows. The reasons given is not sufficient. The petitioner/defendant is attempting to dispose his property in order to avoid repaying the loan to the plaintiff. Several opportunities were given to file the written statement. However, the same was not filed. The present petition is filed only to delay and drag on the proceedings. Hence, that the petition has 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 for recovery of money. The present petition is filed by the petitioner/defendant to set aside the exparte order on the ground that he is 83 years old and had viral fever due to which he was unable to contact his counsel in time to file the written statement. There is no material produced to create any doubt over the reasons given. Considering the nature of the claim made by the respondent/plaintiff, this court is inclined to grant an opportunity to the petitioner/defendant to contest the suit on merits. Accordingly, this court is inclined to allow this petition on payment of costs.

5. In result, this petition is allowed on condition that a cost of Rs.1,000/- be paid to the respondent/plaintiff on or before 08.04.2026. Call on 09.04.2026.

//This order has been partly dictated by me to the Stenographer, taken down, and typed by her in the computer partly typed by me in my laptop, corrected and pronounced by me in the open Court on this the Friday the 27th 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.1/2025 in

O.S.No. 413/2024

D.D. 27.03.2026

Principal District Court ,

Kancheepuram.

