



IA.No.5/2025 in OS.No.175/2023

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
PRINCIPAL DISTRICT COURT,
KANCHEEPURAM.**

Present : Thiru. S. Nagarajan, M.L.,
Principal District Judge,
Principal District Court,
Kancheepuram.

Wednesday, this the 13th day of August 2026

**IA.No.5/2025 in OS.No.175/2023
(CNR.No.TNKP060011672023)**

1. Ismail Sait
Represented by Abu @ ZackariaSait
So.(Late) Abdul Razzack,
No.11, Agathiyarstreet,
West Kamakoti Nagar,
Valasaravakkam, Chennai – 600087

2. Renganathan,
S/o. Srinivasan,
D.No.57, Chinnatheru,
Sembarambakkam, Karaipost,
Kancheepuram.

... Petitioners/1st and 2nd
Defendants

-Vs-

1. Jeyachandran,
S/o. Balaji,
No.6A, Ashok Avenue,
Director Colony, Kodambakkam,
Chennai – 24.

... 1st Respondent/Plaintiff



2. The Sub Registrar,
Thambal, Kancheepuram.

. . . 2nd Respondent/3rd Defendant

This petition is coming on 05.08.2026 for final hearing before me in the presence of M/s.R.Venkatesh, S.Jayaprakash, S.Ajith, Counsels appearing for the Petitioners/1st and 2nd defendants and M/s.N.Balasubramanian, P.S.Mohanakrishnan, C.Hemalatha, P.Inbanathan, Counsels for the 1st respondent/plaintiff 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

1. Petition filed under Order 9 Rule 7 of C.P.C., to set aside the exparte order dated on 03.08.2024 in OS.No.175/2023 on the file of this court and for other reliefs.

2. The learned counsel for the petitioners/1st and 2nd defendants would contend as follows:



i) The petitioner is the authorized Power agent of the Ismail Sait and he was empowered to institute, file and or defend proceeding both of Civil / Criminal on behalf of the petitioner/1st defendant to engage or appoint a counsel to conduct the case. The plaintiff has filed a suit for recovery of money and the same was posted on 01.02.2024 for filing vakalath. The petitioner filed petition to permit the Power of Attorney Holder to appear on behalf of the petitioner in IA.No.3/2024 and the same was still pending. He could not able to give suitable instructions to his advocate to prepare the written statement on time. Due to that the said case called on 03.08.2024 and exparte order was passed for non filing of the written statement. Hence the petition.

3. The learned counsel for the 1st respondent/plaintiff would contend as follows:

i) This application is not at all maintainable either in law or on facts liable to be dismissed in limini. The 1st respondent/plaintiff had filed the above suit along with interim injunction application in IA.No.3/2024 in which the present petitioner was set exparte on 03.08.2024 and the said interim injunction was allowed on 05.06.2025, the reason for non filing of written statement is not genuine one and



the same is untenable and the application itself a vexatious and acrimonious one and therefore prayed for dismissal of the petition.

4. Point for consideration :

i) Whether the petition is to be allowed or not?

5. Point no.1:

i) Taking into consideration of the rival submissions, the petitioner/defendants 1 and 2 have filed this petition stating that a written statement to be filed after the order passed in IA.no.3/2024 which is an application for permitting power agent to represent on behalf of the principal. On the other hand the respondent had objected that the application is filed without any merits and that purposely the application has been filed by the defendant.

ii) Taking into consideration of the rival submissions, the facts remains that the petitioner/defendants 1 and 2 had filed the written statement along with the petition and that itself is the self evidence that they are ready to proceed with the case. When such being the factual circumstances in order to render substantial justice, an opportunity has to be provided to the parties and accordingly the same is



provided the delay in filing the written statement has to be compensated and as such a sum of Rs.500/- is ordered to be paid by the petitioner to the respondent on or before 20.08.2026 and call on 21.08.2026.

x). In the result, this petition is allowed and the 1st petitioner/1st defendant is directed to pay a sum of Rs.500/- to the 1st respondent/plaintiff on or before 20.08.2026. Call on 21.08.2026.

//This order has been dictated by me to the Stenographer, transcribed and typed by her in the computer, corrected and pronounced by me in the open Court on this the Thursday, this the 13th day of August 2026//

Principal District Judge,
Principal District Court,
Kancheepuram.

Exhibits and Witnesses on both side: NIL.

Principal District Judge,
Principal District Court,
Kancheepuram.



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DRAFT/FAIR ORDER

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Dt:13.08.2026

Principal District Court,
Kancheepuram.