

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munsif, Vadipatti

Dated this the 20th day of February 2026**IA. No.03/2026****in****O.S. No.75/2023****CNR. No.TNMD190001212023**

1. Muralikannan,
S/o. Mariappan

---- Petitioner / D2

//Versus//

1. Krishnaveni,
D/o. Puthisigamani

---- R1 / Plaintiff

2. Balakrishnan,
S/o. Raveendran

---- R2 / D1

3. The District Collector,
Madurai.

4. Revenue Divisional Commissioner,
Madurai.

---- R3 and R4 / D3 and D4

This petition was filed before this Court on 06.01.2026 coming before me for final hearing on 20.02.2026, Advocate Thiru. Karthickkumar appeared for the Petitioner /D2, and Advocate Thiru. R. Muthupandi appeared for the R1 / Plaintiff. D1 remain exparte in the suit. Learned Government Pleader for R3 and R4 / D3 and D4. Upon hearing the arguments advanced on both sides, upon perusing the available material records, this Court has delivered the following....

ORDER

1. This petition was filed under order 9 rule 7 of C.P.C. to set aside ex-parte order dated 14.11.2024 against the petitioner / D2.

2. Petition averments in brief:

The petition contention was that, the petitioner was the 2nd defendant in the main suit. On 14.11.2024, the main case was posted for written statement on that day the petitioner affected by jauntice and covid, he was unable to appear before this Hon'ble Court to file his written statement through his counsel. Thereby, the petitioner was set ex-parte in the main case. Only in December 2025, he came to know about the ex-parte order. The petitioner was willing to contest the main case else they shall be put to serious hardship. Hence the petitioner / 2nd defendant filed this petition, to set aside the ex-parte order passed against him on 14.11.2024.

3. Counter averments in brief: (Counter of R3 and R4 not filed)

The 1st respondent / plaintiff filed counter by denying the entire petition contentions and stated that the petitioner failed to file his written statement though he was granted sufficient time hence ex-parte order was passed against him. Further the suit was pending for arguments. The 1st respondent was ready to proceed with the suit. In such circumstance, the petitioner was raising false grounds to protract the case and filed this present petition after many adjournments without any valid reason. Thus, this petition must be dismissed.

4. Point for determination : Whether this petition can be allowed?

i. Heard both sides. Admittedly, the petitioner / 2nd defendant was set ex-parte in the main suit on 14.11.2024 and he filed this petition to set aside the ex-parte order. The 1st respondent / plaintiff had objected the petition stating it was filed on false grounds to drag on the case.

ii. Considering both side submissions and the materials on record, in the light of the provision order 9 rule 7 of C.P.C., it is clear that exparte order can be set aside only on good cause.

iii. Following the above provision, in this petition the petitioner had raised his health issues as a ground for non appearance on the day of setting him ex-parte. The petitioner had raised his medical ground to show that the circumstance were beyond the control of the party for his non appearance. On the other hand the 1st respondent had challenged the petition stating the grounds were false and this petition was filed after long delay. Considering both side contentions, as the petitioner had raised medical grounds for his non appearance, this court is of the view that this petition can be allowed to set aside the exparte order, to enable the petitioner to contest the main suit. Considering the delay caused by the petitioner in the main suit, this petition is allowed with exemplary costs.

5. **In the result**, this petition is allowed by setting aside the ex-parte order passed against the petitioner / 2nd defendant, with cost of Rs.2000/-. Cost shall be paid to the 1st respondent / plaintiff counsel on or before next hearing in the main suit.

Dictated to the Steno Typist typed by her directly on the computer, corrected and pronounced by me in the open court this the **20th day of February 2026.**

District Munsif,
Vadipatti.

Petitioner side witness and documents : Nil

Respondents side witness and documents : Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT
Vadipatti
FAIR ORDER /~~DRAFT ORDER~~
IA. No.03/2026
in
O.S. No.75/2023
Date : 20.02.2026