

**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 28<sup>th</sup> day of April 2026****IA. No.07/2026****in****O.S. No.137/2024****CNR. No.TNMD190001942024**

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1. A. Muthupandi,  
S/o. Ayyanar
2. K. Muthaiah,  
S/o. Kanagaraj
3. A. Muniyandi,  
S/o. Ayyanan
4. R. Perumal,  
S/o. Raman
5. M. Ayyanar,  
S/o. Murugesan

---- Petitioners / Defendants

//Versus//

1. A. Hariharabose,  
S/o. Ayyanakannu Thevar

---- Respondent / Plaintiff

This petition was filed before this Court on 20.02.2026 coming before me for final hearing on 28.04.2026, Advocate Thiru. K.K. Ravie appeared for the Petitioners / Defendants, and Advocate Thiru. Perumalsamy appeared for the

Respondent / Plaintiff. 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 27.11.2025 against the petitioners / Defendants.

#### **2. Petition averments in brief:**

The petition contention was that, the petitioners were the defendants in the main suit. On 27.11.2025, the main case was posted for written statement on that day the petitioners were unable to appear before this Hon'ble Court and file their written statement through their counsel since the document relevant to the suit property were kept by the 2<sup>nd</sup> defendant was not found, as the 2<sup>nd</sup> defendant died on 27.05.2025. Thereby, the petitioners could not prepare their written statement and hence they were set ex-parte in the main case. At present the documents were found by the petitioners, hence they were willing to contest the main case else they shall be put to serious hardship. Hence the petitioners / defendants filed this petition, to set aside the ex-parte order passed against them on 27.11.2025.

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

The respondent / plaintiff filed counter by denying the entire petition contentions and stated that the petitioners failed to file their written statement though they were granted sufficient time hence ex-parte order was passed against them. Further the suit was pending for arguments. In such scenario, the 1<sup>st</sup> petitioner preferred a writ petition before the Hon'ble Madurai Bench of Madras High Court in W.P. (MD.)32345/2025 dated 07.11.2025, the same was pending for adjudication. Being so, the petitioners were 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 petitioners / defendants were set ex-parte in the main suit on 27.11.2025 and they filed this petition to set aside the ex-parte order. The 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 petitioners had raised sufficient cause as a ground for non filing their written statement on the date of setting them as ex-parte and contended that the aforesaid circumstances were beyond control of the parties. On the other hand the respondent had challenged the petition stating that the grounds put forth are false and that the petition had been filed after a long delay. Considering both side contentions, this Court is of the view that the reasons put forth by the petitioners would reveal sufficient cause for their non-appearance to file their written statement. Thereby this court is of the view that, this petition can be allowed on merits to set aside the exparte order, to enable the petitioners to contest the main suit. Considering the delay caused by the petitioners 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 petitioners / defendants, with cost of Rs.300/-. Cost shall be paid to the 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 **28<sup>th</sup> day of April 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.07/2026*  
**in**  
*O.S. No.137/2024*  
**Date : 28.04.2026**