

**IN THE PRINCIPAL DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
GUDALUR**

**PRESENT: THIRU. G.SARAVANAKUMAR, B.A., B.L., (Hon's)
Principal District Munsif-cum-Judicial Magistrate, Gudalur.
Friday, Dated 23rd day of January' 2026.**

**I.A.No.1/2025
in
O.S.No. 37/2024**

1. Athimanagar Village Committee

Rep by its Head Man, M.Devaraj,

S/o. Muthusamy,

Athimanagar, Athikuna Estate.

2. The State of Tamilnadu

Rep by the Collector of Nilgiris,

Udhagamandalam.

-- Petitioners / Defendants

-Vs-

M/s. Parry Agro Industries Limited(Formerly
known as Co-operative Society India Ltd)

Rep by its Assistant Manager P & I R

And Power of Attorney Agent Amarnath G.P

-- Respondent/ Plaintiff

This petition has been filed on 29.04.2025 and coming before me for final hearing in the presence of Mr.P. Ravichandrakumar and Mr.P.Jayakumar, Learned Counsel for Petitioner No.1, Mr.N.Narayanakutty and Mr. M.Ashok, Learned Counsel for Respondent/Plaintiff and upon hearing both side and perusing records and having stood over for consideration till this day, this court delivered the following:

ORDER

1. This application has been filed by the petitioner / defendant under order 9 rule 13 of cpc seeking to set as exparte order passed against the petitioner.

2. The contention of the petitioner is that the suit in O.S.37/2024 was posted for filing of written statement of the Petitioners / defendants on the particular date, the petitioner No.1 / defendant could not able to file the written statement before this Honourabe court due to his closed relative passed away as such he have gone to Kerala for attending relative's funeral. So he was unable to execute the written statement to his counsel. Therefore the petitioners were set exparte. Hence this petition.

3. Despite opportunity given, the Respondent not raised any objection by way of counter.

4.The point for consideration is whether the petitioners are deserved to be allowed or not ?

5. Heard both side. Perused records.

6. Perusal of records appears that respondent/plaintiff has filed the suit in O.S.No. 37/2024 seeking for the relief for the mandatory injunction. The suit was being posted for the written statement by the petitioners. The petitioners failed to file the written statement within a period of stipulated time. Therefore the petitioners were set exparte on 03.03.2025. Now the petitioner has come up with this application along with written statement.

7. Admittedly, the Petitioner has filed the written statement.

8. The petitioner also shown the sufficient reason for non filing of the written statement within a stipulated time. Hence in order to give an opportunity to the petitioner to contest the case effectively, in the interest of justice and in order to avoid further delay, this court is inclined to allow this petition with appropriate cost.

9. In the result this petition is allowed with condition that the petitioners/defendants should pay a sum of Rs.2000/- to the respondent/plaintiff on or before 10.02.2026 failing which this application stands dismissed automatically.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in the open court on this the 23rd day of January' 2026.

Sd/- G.SARAVANAKUMAR
**PRINCIPAL DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, GUDALUR**