



IN THE COURT OF PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM

PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy.,
Principal District Judge, Ramanathapuram.

Monday, the 06th day of October 2025

I.A. No.02/2025
in
G.W.O.P.No.31/2024

Gopalakrishnan ... Petitioner/ Respondent

-vs-

SeethaRespondent/Petitioner

This petition came on 19.09.2025 before this Court for final hearing in the presence of Thiru.D.Pandikumar, Advocate for the petitioner/Respondent and Tmt.N.Manoranjitham, Advocate for the respondent/petitioner and on hearing their arguments and on perusal of records, this Court delivers the following:

ORDER

This petition filed by the petitioner/respondent under Order 9 Rule 7 of C.P.C.

2. The case of the petitioner/respondent in brief:

The petitioner is the respondent in the main original petition. The original petition was posted on 19.07.2025 for cross examining of PW1. But, due to his official work the petitioner/respondent had gone to



Accountant General's Office, Chennai (AG's Office) and hence could not appear before this Court and give instructions to cross examine the witness. Hence, the petitioner/respondent was called absent and set exparte. His absence on the said date was neither willful nor wanton and was only due to unavoidable circumstances. Unless, the exparte order passed against him is set aside, he would be put to irreparable loss and hardships. Therefore, he prays to set aside the exparte order and allow this petition.

3. The case of the respondent/petitioner in brief:

The respondent has objected the petition that the reason given by the petitioner is not true or acceptable. PW1 was examined on 28.10.2024 and case was adjourned to 08.11.2024, 20.11.2024, 04.12.2024, 19.12.2024, 24.01.2025, 14.02.2025, 21.03.2025, 07.04.2025, 10.06.2025, 25.06.2025 and 19.07.2025 for cross examination of PW1. But, even though the Advocate appeared on all these hearings, PW1 was not cross examined with an intention to drag on the proceedings. This petition is filed with ulterior motive to delay the proceedings. Therefore, the petition must be dismissed.

4. Point for consideration in this petition is,

“Whether the petition be allowed”?

5. No oral or documentary evidence was let in by either party.



6. Answer to Point.

Admittedly, PW1 was examined on 28.10.2024, the case was adjourned at the request of the respondent's Counsel to 08.11.2024 for cross examination. Thereafter, the case was continuously adjourned on various dates for cross examination of PW1. Even though, PW1 was present on 21.03.2025, the respondent's Counsel did not cross examine the witness and at his request, the case was adjourned to 07.04.2025. Thereafter, again on 10.06.2025 and 20.06.2025 PW1 was not examined by the respondent. Hence, on 19.07.2025 when PW1 was present and no representation was made on behalf of the respondent, the respondent was called absent and he was set exparte, the petitioner side evidence was closed and the case was posted for arguments. On 25.07.2025 the petitioner's Counsel filed change of Vakalah for the respondent along with this application to set aside the exparte order.

7. It is to be noted that even though, the petitioner has given reason for his non-appearance on 19.07.2025, he has not given any reason for his absence or for not cross examining PW1 on the various hearings prior to that. Therefore, it is clearly found that this petitioner has purposely avoided cross examination of PW1.



8. However, the main original petition being one for appointment of Guardian and this petitioner being the father of the minor, this Court deems it appropriate to give another opportunity to this petitioner to conduct the proceedings on merits.

9. But, at the same time the hardships caused to the respondent shall be compensated by way of cost. Therefore, it is held that the petition will be allowed on payment of cost of Rs.5,000/- to the respondent on or before 16.10.2025, failing which the petition will be dismissed. This point is decided accordingly.

In the result, the petition is will be allowed on payment of cost of Rs.5,000/- to the respondent on or before 16.10.2025, failing which the petition will be dismissed. Call on 17.10.2025.

Dictated to Steno-typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the **06th day of October 2025.**

Principal District Judge,
Ramanathapuram.
06.10.2025

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I. List of witnesses and Documents on the side of the petitioner: Nil

II. List of witnesses and documents on the side of the Respondents: Nil

Principal District Judge,
Ramanathapuram.
06.10.2025

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