

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: Thiru.C.Mohanram, M.A., B.L.,
Additional District Judge,
Ramanathapuram.**

Tuesday, the 27th day of January 2026

**I.A. No.3/2025
in
O.S. No.167/2025**

Devakumar ... Petitioner / 8th defendant

/Vs/

Gandhi ...Respondent / Plaintiff

This petition came up on 20.01.2026 before this Court for final hearing in the presence of Thiru.B.Sundarrajan, Advocate for the petitioner and Thiru.S.Senthil Kumar, Advocate for the respondent and upon hearing both side arguments and upon perusal of petition, counter and case records, this Court delivers the following:

ORDER

Petition has been filed under Or.9 R.7 and Sec.151 CPC.

2. The petitioner is 8th defendant. It is the case of the petitioner / 8th defendant that the plaintiff has filed this suit against him and 7 others stating that the Sale deed executed in his favour by the defendants 1 to 7. But he has

received the summons as if the suit is pending before the Sub-Court, Ramanathapuram and so he appeared before the Sub-Court, Ramanathapuram on 05.11.2025. On the same day, he was set exparte by this Court as he failed to appear before this Court. He has got good defense to defend the case of the respondent/ plaintiff and therefore he prayed to set aside the exparte order passed against him.

3. The respondent / plaintiff in his counter has stated that the reasons stated by the petitioner / 8th defendant is not correct. Summon was duly served and in the summon the name of the Court has been mentioned as Additional District Court, Ramanathapuram. Therefore, the contention of the petitioner / 8th defendant that the summon was served as if summon has been received from the Sub-Court, Ramanathapuram and the suit is pending before the Sub-Court, Ramanathapuram is incorrect and therefore, he prayed for dismissal of the petition.

4. Point for consideration is Whether this petition is liable to be allowed as prayed for.

5. The petitioner / 8th defendant through his counsel appeared before this Court on 05.11.2025 after the petitioner / 8th defendant was set exparte and this Court has directed to file an application u/Or.9 R.7 CPC. On that basis the

petitioner / 8th defendant has come forward with this application to set aside the exparte order passed against him. No serious prejudice would have been caused to the respondent / plaintiff if the exparte order passed against the petitioner / 8th defendant is set aside. Therefore this Court is of the considered view that this petition is liable to be allowed as prayed for.

In the result, petition is allowed. No cost.

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected by me and pronounced by me in the open court, on this the 27th day of January 2026.

Additional District Judge,
Ramanathapuram.
27.01.2026

List of witness and document on either side :

Nil

Additional District Judge,
Ramanathapuram.
27.01.2026