

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.

PRESENT:- **THIRU. A.K.MEHBUB ALIKHAN, B.L.M., L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy., PG.D.D.F.,**

Principal District Judge, Ramanathapuram

Monday, the 19th day of January 2026

I.A.No. 08/2025

in

O.S.No.124/2023

1. Vijay

2. Balaguru

3. Poovendran

... Petitioners/9,11,14th Defendants

-vs-

1. Gomathi

2. Rajeswari

3. Gowtham

4. Pappammal

5. Malarmari

6. Muthulakshmi

7. Sasikala

... Respondents/Plaintiffs

This petition came on 08.01.2026 before this Court for final hearing in the presence of Thiru.P.Sundarrajan, Advocate for the Petitioners/9,11,14th defendants, Thiru.K. Nagarajan, Advocate for the Respondents/Plaintiffs and on heard their arguments and on perusal of records, this Court delivers the following:

ORDER

Petition is filed by the petitioners/defendants 9,11 & 14 under Order 9 Rule 7 of CPC.

2. The contention of the petitioners in brief :

These petitioners are the defendants 9,11,14 in the suit. The 3rd petitioner / 14th defendant has filed the affidavit on behalf of the other petitioners also. The suit was posted for filing written statement on 19.12.2024. Since, the 3rd petitioner was not well he could not appear before the court and file the written statement on that date. Therefore, this court had passed an ex-parte order against these petitioners on 19.12.2024. The non appearance and not filing the written statement on 19.12.2024 was neither willful nor wanton, but which was only due to unavoidable circumstances. Since, the 3rd petitioner condents the suit on behalf of the other petitioners, they could not meet the Advocate. The fact about the ex-parte order was known to the petitioners only on 02.06.2025. These petitioners have enclosed their written statement along with this petition and therefore they pray to set aside the ex-parte order passed against them on 19.12.2024.

3. The Contention of the Respondents that are relevant to the petition :

These petitioners had appeared through their Advocate on 18.01.2024. They did not file written statement inspite of several opportunities given by the court. Therefore, these petitioners were set ex-parte on 19.12.2024 since they did not file written statement. This petition filed by these petitioners when the suit is posted for trial after framing necessary issues is not maintainable. Therefore, the petition must be dismissed.

4. Point for consideration in this petition is, **“Whether the petition can be allowed?”**

5. Heard the arguments on both sides.

6. **Answer to point:**

6.1. These petitioners did not file written statement on 19.12.2024 and therefore they were set ex-parte and the suit was posted for trial. In these circumstances, these petitioners have filed this petition to set aside the ex-parte order passed against them. They have also filed the written statement along with this petition. It is needless to state that an application under Order 9 Rule 7 of CPC can be filed and entertained at any stage of the case before it is reserved for Judgment. Since trial is not yet commenced and these petitioners have filed written statement along with this petition, the interest of justice warrants that they must be given an opportunity to contest the case on merits. If the petition is dismissed, serious prejudice would be caused to the petitioners. On the other hand, no serious prejudice would be caused to the respondents. However, the hardships caused to the respondent shall be compensated by way of cost.

5.2. Therefore, it is held that the petition will be allowed on payment of cost of Rs.1,000/- to the respondents on or before 27.01.2026 failing which the petition will be dismissed. This point is decided accordingly.

In the result, the petition will be allowed on payment of cost of Rs.1,000/- to the respondents on or before 27.01.2026 failing which the petition will be dismissed.

Call on 28.01.2026.

This order is dictated to the Steno-Typist, transcribed and typed by her in the computer, corrected and pronounced by me in the open court this **the 19th day of January 2026.**

Principal District Judge,
Ramanathapuram.

Both side Witness and Documents :-

Nil

Principal District Judge,
Ramanathapuram.