

**IN THE COURT OF DISTRICT MUNSIF, MUDUKULATHUR.**

**Present: Ms.J.C.Aparna, B.A, L.L.B.,  
District Munsif,  
Mudukulathur.**

Wednesday, the 12<sup>th</sup> day of November 2025

**I.A No. 04/2025 in O.S No. 01/2025**

1. The Tahsildar, Mudukulathur
2. The District Collector, Ramanathapuram .... Petitioners/ 1,2 defendants

Vs

Muthu ....Respondent/Plaintiff

This petition came on 25.10.2025 before this court for a final hearing in the presence of G.Saravanan, Learned Government Pleader for Petitioners/1, 2 Defendants and Thiru.K.Alagarsamy, Learned Counsel for the Respondent/Plaintiff and upon hearing both sides enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

**ORDER**

This petition is filed by the petitioner U/O IX R 7 of C.P.C prays to setaside the ex-parte order which was passed on 28.02.2025 against the petitioners/1, 2 defendants in main suit.

**2. The contention of the Petitioners/1, 2 Defendants in brief:-**

The petitioner is the 1<sup>st</sup> defendant in the main suit. On 28.02.2025 the suit was posted for appearance of defendants. But since the petitioner was had gone to

Chennai on 28.02.2025 to attend a counselling held for TNPSC Group-4, this petitioner was unable to contact his advocate. Hence this court set him as ex parte. It is submitted that the absence of the petitioner is neither willful nor wanton. Hence prays to set aside the said ex-parte order passed against the petitioner or else he will be put to irreparable loss and hardships. Hence the petition.

### **3. Brief averments of the Respondent/ Plaintiff in brief:**

The respondent/plaintiff denies the averments in the petition. The respondent stated that the petitioner has intentionally not appeared before this court and has filed this petition highly belated to drag on the proceedings. Hence prays to dismiss the petition.

### **4. Point for consideration:-**

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side.

### **5. Answer to the Point:-**

5.1. It is the case of petitioner that he is the 1<sup>st</sup> defendant in the main suit. On 28.02.2025 the suit was posted for appearance of defendants. But since the petitioner was had gone to Chennai on 28.02.2025 to attend a counselling held for TNPSC Group-4, this petitioner was unable to contact his advocate. Hence this court set him as ex parte. It is submitted that the absence of the petitioner is neither willful nor wanton. Hence prays to set aside the said ex-parte order passed against the petitioner or else he will be put to irreparable loss and hardships. Hence prays to set aside the said ex-parte order.

5.2. It is case of the respondent, who is plaintiff in the suit, that the petitioner has intentionally not appeared before this court and has filed this petition highly belated to drag on the proceedings.

5.3. Heard both sides. Upon perusal of the materials available on records and the reasons stated by the petitioner, this court is satisfied that the petitioner had established sufficient cause for their previous non-appearance before this court and now this petition has been filed along with written statement to set aside the ex-parte order passed against the petitioners. On consideration of the above circumstances and in the interest of justice, this court is of the view that, fair opportunity to be given the petitioners to appear and contest the suit by setting aside the ex-parte order dated 28.02.2025 in OS No: 01 of 2025. However for the hardship caused to the respondent/plaintiff, this court is inclined to allow this petition on condition to pay cost.

6. In the result, for the above said reasons, this petition is allowed on condition that the petitioners/1, 2 defendants shall pay Rs.500/- to the respondent/ plaintiff on or before 19.11.2025. Failing which this petition shall stand dismissed.

Directly typed by me in my laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 12<sup>th</sup> day of November 2025.

**District Munsif,  
Mudukulathur.**

**Both side witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**