

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

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

Wednesday, the 19<sup>th</sup> day of November 2025

**E.A No. 01/2025 in E.P No. 03/2025**

Valavandhal

.... Petitioner/ 2<sup>nd</sup> respondent

Vs

1. Allimuthu

2. Balakrishnan

3. Subbiramani

4. Murugesh

5. Karuppanan

6. Moovendhiran

7. Ravichandran

....Respondents/Petitioners

This petition came on 29.10.2025 before this court for a final hearing in the presence of Thiru.S.Murugaboopathy, Learned Counsel for Petitioner/2nd Respondent and Thiru.Y.T.Ansari, Learned Counsel for the Respondents/Petitioners 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 21 R 106 of C.P.C prays to setaside the ex-parte order which was passed on 20.08.2025 against the petitioner/2nd respondent in main petition.

**2. The contention of the Petitioner/2nd respondent in brief:-**

The petitioner is the 2<sup>nd</sup> respondent in the main petition. The petitioner submitted that when the execution petition was posted on 20.08.2025 for his appearance, since the petitioner was sick he was not able to appear before the court, and this court set him 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 Respondents/ Petitioners in brief:**

The respondents/petitioners admit that the 2<sup>nd</sup> respondent was set ex-parte on 20.08.2025. But denies the other 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 2<sup>nd</sup> respondent in the main petition. The petitioner submitted that when the execution petition was posted on 20.08.2025 for his appearance, since the petitioner was sick he was not able to appear before the court, and this court set him 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. The respondent admit that the petitioner/2<sup>nd</sup> respondent was set exparte on 20.08.2025. But denies the other 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.

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 counter to set aside the ex-parte order passed against the petitioner. 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 petitioner to appear and contest the main petition by setting aside the ex-parte order dated 20.08.2025 in EP.No 03/2025. However for the hardship caused to the respondents/petitioners, 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 petitioner/2<sup>nd</sup> respondent shall pay Rs.500/- to the respondents/ petitioners on or before 26.11.2025. 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 19<sup>th</sup> day of November 2025.

**District Munsif,  
Mudukulathur.**

**Both side witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**