

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE  
RANIPET, RANIPET DISTRICT.**

**Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,  
I Additional District Judge,  
Ranipet.**

**Monday, this the 1<sup>st</sup> day of September 2025**

**I.A.No.3/2022**

**in**

**O.S.No.7/2022**

1. Kotteswari

2. S.Chitra

3. R. Banumathi

..... Petitioners/Defendants 5, 6 & 8.

-Vs-

1. M. Thamizhselvi

.....Respondent/Plaintiff.

2. A. Selvam

3. A.Kamaraj

4. A. Gandhi

5. A. Arivazhagan @ Hari

6. V. Kavitha

7. The Commissioner, Walaja Municipality,

8. The Thasildhar, Walaja.

9. The Sub-Registrar, Walaja.

.....Respondents/Defendants 1 to 4, 7, 9 to 11.

This petition is coming before me for final hearing on 18.08.2025 in the presence of Thiru.V.Sivalinga Sharma, Advocate for Petitioners/defendants 5, 6 & 8, Thiru.R.Pandurangan, Advocate for the 1<sup>st</sup> respondent/plaintiff, Thiru.K.M.Boopathi, Advocate for respondents 2, 3 & 5/defendants 1, 2 & 4, Thiru.V.Sivalinga Sharma, Advocate for 6<sup>th</sup> respondent/7th defendant and the respondents 4, 7 to 9 are called absent and set exparte in O.S and Advocate for respondents 2, 3 & 5 endorsed as no counter and on the side of petitioners no representation and upon hearing the arguments of R1 to R3 & R5 and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following:-

**ORDER**

The petitioners/defendants 5, 6 and 8 have filed the application Under Order 9 Rule 7 of CPC, seeking an order to set aside the exparte order dated 25.07.2022 passed against them for non filing of written statement.

1. The 1<sup>st</sup> petitioner/ 5<sup>th</sup> defendant has filed an affidavit for herself and on behalf of defendants 6 & 8 in support of the application stating that they could not file written statement on 25.07.2022 due to illness of the 1<sup>st</sup> petitioner/5th defendant and hence they were set exparte on that day.
2. The 1<sup>st</sup> respondent/plaintiff has alone filed a counter objection contending that the reasons given in the affidavit are false and imaginary. The other respondents have not filed counter in this application and the counsel for the respondents 2, 3 and 5 endorsed as no counter.

**3. Point for determination is:-**

Whether the application filed by the petitioners/defendants 5, 6 & 8 to set aside the exparte order is deserved to be allowed?

**Point :-** a) On perusal of records, it is seen that the 1<sup>st</sup> respondent/plaintiff has filed the above suit seeking the relief of partition, declaration in respect of Will and also for permanent injunction as against the defendants. When the case was posted on 25.07.2022 for filing written statement of defendants 5, 6, 8 and 9, they have not filed written statement and hence they were called absent and set exparte. Now the defendants 5, 6 & 8 alone have filed the present application to set aside the exparte order passed against them. They have also filed their written statement along with the application. Issues not yet framed in the suit and hence, considering the reason given in the affidavit for non filing of written statement, this court is of the view that no prejudice will be caused to the plaintiff in allowing this application. At the same time, the delay caused on the side of the defendants 5, 6 & 8 in filing written statement might have affected the plaintiff in some way and it can be compensated only by awarding cost.

In the result, the application shall be allowed on payment of cost of Rs.500/- to the 1<sup>st</sup> respondent/plaintiff on or before 19.09.2025 failing which the application shall be dismissed. Call on 20.09.2025.

Dictated by me to the Steno-typist transcribed and typed by her in the computer, corrected and pronounced by me in the open court, on this the 1<sup>st</sup> day of September 2025.

I Additional District Judge,  
Ranipet.