

**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.**

Wednesday, this the 15th day of October 2025

**I.A.No.7/2025
in
I.A.No.6/2024
in
O.S.No.18/2021**

N. Yasar Afthah Petitioner/1st proposed party.

-Vs-

1.Mohammed Ali

2. Akasar Ali

3. Shaheen

.....Respondents/Plaintiffs.

4. Abdul Wahaf

5. V. Arunaeswari

6. The Manager,

City Union Bank,

Ranipet.

.....Respondents/Defendants.

7. Dilshath

.....Respondent/2nd proposed party.

This petition is coming before me for final hearing on 20.09.2025 in the presence of Thiru.T.M.Mohammed Masood, Advocate for Petitioner and Thiru.P.Prasannakumar, Advocate for Respondents 1 to 3, Thiru.A.Pavithran, Advocate for 5th respondent, Thiru.K.M.Boopathi, Advocate for 6th Respondent, and Thiru.S.Divakar, Advocate for 7th Respondent and the 4th respondent was died and upon hearing the arguments of both side and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;-

ORDER

The petitioner/1st proposed party has filed the application Under Order 9 Rule 7 of CPC., seeking an order to set aside the exparte order in I.A.No.6/2024 dated 04.08.2025.

1. The petitioner/1st proposed party has filed an affidavit stating that he could not file counter on 04.08.2025 as he was suffering from viral fever and hence he was called absent and set exparte on that day.

2. The respondents 1 to 3/plaintiffs have filed a counter contending that the petitioner has filed the application only to drag the proceedings.

3. On perusal of records, it is seen that the respondents 1 to 3/plaintiffs have filed the above suit for declarations, permanent injunction as against the respondents 4 to 6/defendants 1 to 3. Pending the suit, the plaintiffs have filed the application in I.A.No.6/2024 seeking an order to implead the proposed parties as defendants 4 & 5 in the suit and in the said application, the proposed parties did not file counter and hence they were set exparte on 04.08.2025. The petitioner/ 1st proposed party has filed the present application to set aside the exparte order. He has filed his counter in IA.No.6/2024. Even though the reason given by the petitioner/1st proposed party is sufficient to set aside the exparte order, the delay caused on the side of the petitioner might have affected the plaintiffs 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/- payable by the petitioner/1st proposed party to the respondents 1 to 3/plaintiffs on or before 26.10.2025; failing which the application shall be dismissed call on 27.10.2025.

Directly dictated by me to the Steno-typist and typed by her in the computer, corrected and pronounced by me in the open court, on this the 15th day of October 2025.

I Additional District Judge,
Ranipet.