

**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 3rd day of December 2025

I.A.No.5/2025
in
O.S.No.49/2022

G.Sermarajan Petitioner/Defendant.

-Vs-

J. SuseelaRespondent/Plaintiff.

This application is coming before me for final hearing on 24.11.2025 in the presence of Thiru.S.Lenin, Advocate for Petitioner/defendant and Thiru.S.P.Sampath kumar, Advocate for the Respondent/Plaintiff and upon hearing the arguments 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/defendant has filed the application U/order 9 Rule 7 of CPC seeking an order to set aside the exparte order passed against him on 28.07.2025.

1. The petitioner/defendant has filed an affidavit stating that the respondent/Plaintiff has filed the above suit against him and when the case was posted for defendant's side evidence on 28.07.2025 he could not appear before this court due to sudden illness.

2. The respondent/Plaintiff has filed a counter contending that the petitioner/defendant failed to adduce his evidence inspite of several chances given by court and the present application is filed by the petitioner to pro-long the case.

3. Point for determination :-

Whether the application filed by the petitioner/defendant to set aside the exparte order dated 28.07.2025 is deserved to be allowed?

4. Point :- a) On perusal or records, it is seen that the respondent/Plaintiff has filed the above suit for the relief of specific performance of agreement of sale dated 15.12.2021 or for alternative relief of refund of advance amount and also for the relief of permanent injunction. The defendant has filed his written statement denying the case of the plaintiff and hence after framing issues the plaintiff and her witnesses were examined. When the case was posted for defendant's side evidence on 28.07.2025, the defendant did not appear and hence he was set exparte. Considering nature of the suit and also the reason given by the petitioner/defendant to adduce his evidence, this court is of the view that the application can be allowed. At the same time, the delay caused at the instance of the petitioner/defendant might have affected the respondent/plaintiff in some way and hence it can be compensated only by awarding cost. This point is answered accordingly.

In the result, the application shall be allowed on payment of cost of Rs.1000/- to the respondent/Plaintiff on or before 16.12.2025 failing which the application shall be dismissed. Call on 17.12.2025.

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 3rd day of December 2025.

I Additional District Judge,
Ranipet.