

I.A.No.2/2021 in O.S.No.316/2017

Date: 05.12.2023

ORDER

Plaintiffs in O.S.No.316/2017 are the Petitioners in the present Application, which is filed under Order 9 Rule 9 CPC praying this Court to restore the Suit in O.S.No.316/2017, which was dismissed for default on 08.04.2021.

2) Respondent No.4 died. The remaining Respondents have not filed their Counter despite opportunities granted. There is no representation for them.

3) Heard the Learned Counsel appearing for the Petitioners and perused the records.

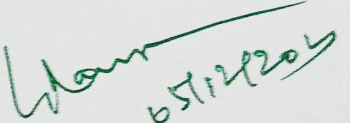
4) The Suit is one for Partition and Permanent Injunction. Records would show that the above Suit was posted for trial on 08.04.2021 and on the said day, the Petitioners have not appeared before this Court for adducing evidence and therefore, the Suit came to be dismissed for default.

5) Considering the facts, circumstances as well as the nature of the Suit, this Court feels that one more

opportunity could be granted to the Petitioners to prosecute the Suit by imposing suitable cost.

In result, the above application will be allowed on condition that the Petitioners shall pay a sum of Rs.500/- towards cost to the District Legal Services Authority, Salem on or before 18.12.2023. Failing which, the above application will be dismissed.

Call this application on 19.12.2023.

  
65/12/2023  
III ADJ,  
Salem.