

I.A.No.4/2022 in I.A.No.1/2021 in
O.S.No.448/2021

Date: 15.04.2024

ORDER

1st Respondent in I.A.No.1/2021, which is an Application filed under Order 39 Rule 1 & 2 CPC, is the Petitioner in the above Application, which is filed under Order 9 Rule 7 CPC, praying this Court to set aside the exparte Order dated 30.11.2021, passed against the Petitioner in I.A.No.1/2021.

2) The 1st Respondent opposes.

3) Heard both sides and perused the records.

4) Perusal of records would show that an Order was passed against the Petitioner, in I.A.No.1/2021, setting him exparte for the reason that he has not chosen to appear either in person or through his Counsel, despite service of Notice.

5) Seeking to set aside the aforesaid Order, the Petitioner has filed the above Petition as early as on 23.12.2021. It appears that the Petitioner/D1 has filed his Counter in I.A.No.1/2021.

6) The Suit is one for Declaration to declare two Sale Deeds dated 26.04.2018 and 26.06.2019 that stand in the name of the Petitioner/D1 as null and void and for Perpetual Injunctions.

7) I.A.No.1/2021 is filed seeking the relief of Temporary Injunction to restrain the Petitioner/R1 from in anyway alienating or encumbering the Suit property till the disposal of the above Suit.

8) Considering the nature of relief sought for in I.A.No.1/2021, the fact that the above Application came to be filed on 23.12.2021 and the reasons assigned by the Petitioner for his non appearance on 30.11.2021, this Court is inclined to allow the above Application, in the interest of justice.

In result, the above Application shall stand allowed.

III ADJ,
Salem.