

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Tuesday, the 2nd day of July, 2026

IA.No.04/2026

in

OS.No.22/2024

1. Manokaran

2. Sekaran

...Petitioners

-Vs-

1. Natesan

2. Nallammal

3. Assistant Electrical Engineer,

Rural-South), Tamil Nadu Electricity Board,

Tamil Nadu Electricity Board Office, Devakottai

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.S.Sornaprakash learned advocate for the Petitioner, Thiru.N.Sekar learned advocate for the Respondents. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order IX Rule 7 of CPC

1. The averments in the petition are as follows:

The petitioner is the 1st defendant in the main suit. He is filing this petition also on behalf of the 2nd defendant. In the main suit the stage has come up for filling of vakkalt of the defendant on 03.07.2024. The petitioner states that since he was medically ill on that day he was unable to appear before the court. Also due to the boycott of the advocates their vakkalt could not be filed in the court. The petitioner states that their absence were not willful or intentional. Hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent has denied the contentions of the petition and has stated that the petitioner has not stated the particular illness he was suffering from and he has filed this petition only with an intent to deceive the court. He also states that the petitioners having been set ex-parte on 03.07.2024 has filed the petition to set aside the same after the period of 1 year and 9 months. He also states that the suit properties are the ancestral properties of the plaintiff/respondent and the patta for the same still exists in the name of the plaintiff's husband in patta number 1094. He states the petitioners are in know way related to the suit property and hence he prays for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

Petition and counter perused. Enquiry heard on both sides. The petition has been filed to set aside the ex-parte order passed against the defendants. The petitioner has stated the reason as medical illness. On the other hand the respondent has denied the contentions of the petition and has stated that the

petition has been filed with an intent to drag on the proceedings of the case. Both side averments perused. The reason stated by the petitioner as medical illness is satisfactory. It is important to give every person a reasonable opportunity to be heard to put forth his case before the court so as to enable the court to decide the case on merits without any undue delay. The principle of natural justice 'Audi Alteram Partem' demands the same. Hence the court finds it fit to allow this petition. But considering the fact of delay caused by the petitioners the court finds it fit to impose the cost of Rs.500/- on the petitioners to be paid to the respondents. Hence in the end, the petition is allowed with cost of Rs.500/-

4. Decision

In the end, the petition is allowed with cost of Rs.500/-

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open Court on 2nd day of July 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner-Nil-

List of documents on the side of the Petitioner-Nil-

List of witnesses on the side of the Respondents-Nil-

List of documents on the side of the Respondents-Nil-

**District Munsif,
Devakottai.**