

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,**

District Munsif, Devakottai

Thursday, the 19th day of February, 2026**IA.No.05/2025****in****OS.No.29/2016**

Kathoonbeevi

...Petitioner

-Vs-

Bakkir Muhamed

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.V.Sundar learned advocate for the Petitioner, Thiru.S.V.Sankar learned advocate for the Respondent. 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 9 of CPC****1. The averments in the petition are as follows:**

The petitioner is the plaintiff in the main suit. The petitioner states that on 25/06/2025, the main suit has come up for the stage of further evidence on the plaintiff side. In the meanwhile, on the particular day, the petitioner states that she was ill and that she was not able to represent her case before the court. When she asked about the same to her advocate he stated that the suit was dismissed for default. The petitioner states that she was about to close her evidence with the first witness alone, but due to her medical illness, she was not

able to appear before the court. Hence she prayed for the petition to be allowed and to restore the suit in OS.NO.29/2016.

2. Averments in the counter are as follows:

The respondent denies contention of the petitioner and states that the written statement was filed in the suit on 19/09/2016, and the suit has come up for the trial on 02/03/2020. In the meanwhile, since the plaintiff has not commenced the trial, the suit was dismissed for default on 08/10/2021, which was subsequently restored by this petitioner by an application. After that on 29/02/2024, the stage has come up for plaintiff side further witness after which for 21 consecutive hearings, the plaintiff did not proceed with the suit and subsequently on 11/06/2025, the suit was dismissed for default. This is the second time the suit has been dismissed for default, and the reason stated is also not satisfactory. 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 restore the suit in OS.No.29/2016 as the same for dismissed for default. The petitioner has stated the reason as medical illness. On the other hand, the respondent has denied the contention of the petition and states that the suit was already dismissed, and this is the second time and hence the petition must dismissed. On perusal of records, it becomes clear that the suit was dismissed for default due to non-appearance of the plaintiff. The plaintiff in this petition has stated the reason as medical illness. The reason stated is satisfactory. It is important that every person must be given a reasonable opportunity to put forth their case before the court. Hence the court finds fit to allow this petition. But considering the fact the suit is of the year of 2016, and this is the second

time the plaintiff/petitioner has left the suit unrepresented, the court finds it fit to impose a cost of rupees 3,000 on the petitioner to be paid to the account of Annai Sharadha special School, Devakottai and the receipt for the same shall be produced before court on the next hearing. Hence, in the end, the petition is allowed with the cost of ₹3000/-.

4. Decision

In the end, the petition is allowed with the cost of ₹3000/-.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 19th day of February 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 Respondent-Nil-

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

**District Munsif,
Devakottai.**