

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Tuesday, the 17th day of February, 2026

IA.No.03/2025

in

OS.No.38/2024

1. K. Sornam

2. S. Pothum Ponnu

3. S. Bakyam

4. M. Kavitha

5. P. Renuka

...Petitioners

-Vs-

Saminathan

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.AS.Chellappa learned advocate for the Petitioners, Thiru.S.Kumar 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 7 of CPC

1. The averments in the petition are as follows:

The petitioner is the defendant in the main suit. He is filing the petition also on behalf of the other defendants. He states that an exparte order was passed against them on 21/10/2024. The petitioner states that the respondent/plaintiff

has obtained patta for the areas classified as vaaikal, neerpidippu and mathagu. Hence the petitioner is trying to obtain the revenue records before the UDR scheme and hence the delay has been caused. He states that the delay caused for filing the written statement is not willfull and that he has filed the written statement along with this petition. Hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent denies the contention of the petition and states that the written statement should be filed within 30 days. Even after giving the period of 90 days for filing the written statement, the petitioner has not filed the same and has filed this petition and written statement after 222 days. He has filed this petition with an intent to drag on the proceedings of the case, having not filed the written statement for several consecutive hearings. He states that if the petition is allowed, the respondent would be subject to irreparable loss and injury, as delayed justice is denied justice. Hence he prayed that the petition should be dismissed.

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

Both side averments perused. The petition has been filed to set aside the exparte order passed against the petitioners in the main suit. The respondent has denied the contention stating that the petition has been filed to drag on the proceedings of the case. Both side averments perused. It is a well established principle that every person must be given a reasonable opportunity to put forth their case before the court, so as to enable the court to decide the case on merits without any delay. As per principle of 'Audi Alteram Partem', which means 'hear the other side', it is important to give every person a reasonable opportunity. Hence in the interest of justice, this petition is allowed. But taking

into consideration the factor of delay, the court finds it fit to impose a cost of rupees thousand on the petitioner to be paid to the account of DLSA Sivagangai. In the end, the petition is allowed with the cost of Rs.1000/-.

4. Decision

In the end, the petition is allowed with the cost of Rs.1000/-

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 17th day of February 2026.

**District Munsif,
Devakottai.**

Annexures:

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

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

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

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

**District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.03/2025

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OS.No.38/2024

Dated: 17.02.2026

Draft/Fair Order
