

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Friday, the 26th day of September, 2025

I.A.No.14/2025

in

O.S.No.51/2019

1. Thainees

2. Francis

3. Pranklin

(Through their mother and Gurdian Tamilselvi)

...Petitioners

-Vs-

1. Jayaseelan

(Through his son and Power Agent Jegan John William)

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.B.Siva learned advocate for the Petitioners and Thiru.N.Ramji 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 and Section 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the mother of the one, three defendants in the main suit. She is also filing this petition on behalf of the second defendant. The petitioner claims that in the main suit an ex-parte order was passed against them on 04/11/2024. The petitioner claims that they received summons only in IA.No. 10/22 filed for adding them as parties in the main suit. After that when the parties were added, no summons were sent by the plaintiff in the main suit. Also an ex-

parte order was passed against them in the main suit on 04/01/2024, for not filing a written statement. The petitioner claims that in the main suit, written statement was already filed by the first defendant on 11/11/2019 and issues were framed and the suit is pending for trial. Also, the petition to add them as a parties were also allowed. This being so an ex-parte order was passed against them on 04/11/2024. The petitioner claims that their non-appearance on the particular day was not willful or intentional. The petitioner claims that after they were added as parties in the main suit, no summons were received by them. Hence they were not able to appear before the court. Hence the petitioner prays to allow the petition and set aside the ex-parte order passed against them in the main suit.

3. The averments in the counter filed by the respondents are as follows:

The respondent denies all the averments in the petition and states that the suit is a suit for declaration. In IA.No.10/2022 summons were served on the petitioners and they have appeared through an advocate and after the petition was contested, it was allowed. Based on the IA.No.10/2022 amended plaint copy was filed by the plaintiff in the main suit and the copy of it was served on the advocate of the petitioners after which the stage has come up for filing additional statement. But since the same was not filed, despite giving sufficient opportunity an ex-parte order was passed against the petitioners. The respondent claims that the petitioners have filed this petition in order to delay the suit. Hence he claims for the petition to be dismissed

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

Petition perused. Enquiry heard. The petition has been filed to set aside the ex-parte order passed against the petitioner in the main suit. On perusal of both side averments, it becomes clear that for their non-appearance an ex-parte order was passed against petitioner in the main suit the reason stated by the petitioner is

satisfactory. It is always important to give every party a reasonable opportunity to be heard to put for their case before the court based on the principle of natural justice, “Audi Alteram partem”, which means, hear the other side. Hence, it becomes important to allow each party to put forth their case before this court in order to enable the court to decide the case on merits without any delay. Hence the court is here by inclined to allow this petition. In the end, the petition is allowed. No order as to cost.

5. Decision

In the end, the petition is allowed. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 26th day of September 2025.

**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.14/2025

in

OS.No.51/2019

Dated: 26.09.2025

Draft/Fair Order
