

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.

District Munsif, Devakottai

Wednesday, the 11th day of August, 2021

I.A. 04/2021

in

I.A. No. 1514/2017

in

O.S. No. 96/2017

Karupaiah, aged 79/2021

S/o Kalipayal

Petitioner/Plaintiff

Vs

1. Subramanian 64/2021

S/o Muthaiah

2. Shanmugam, 54/2021

S/o Muthaiah,

3. Kaliammal, 51/2017

W/o Vellaikannu

Respondents/Defendants

These petitions having been finally heard on 04.08.2021 in the presence of Mr. N. Sekar, the learned counsel for the Petitioner/Plaintiff and Mr. B. Siva, the learned counsel for Respondents/Defendants. The respondents 1 to 3 were called absent and set exparte. Upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this court delivers the following:

ORDER

The petition was filed under Order IX Rule 9 of Civil Procedure Code seeking to restore the suit on the file of this Court that has been dismissed on 04/02/2019.

2. The averments set out in the petition/affidavit filed by the petitioner is as follows:

2.1 The Petitioner states that he is the Plaintiff of the main Suit and the suit has been instituted for the relief of permanent injunction restraining defendants, their men, agents, servants from in any manner interfering with plaintiff's peaceful possession and enjoyment over the suit property.

2.2 On 04/02/2019, when the suit was posted in the list, the petitioner could not attend the Court due to Typhoid fever and was under treatment, which resulted in the dismissal of the suit. Hence, the present petition to restore the suit.

3. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

4. No oral or documentary evidence was adduced on the side of the Petitioner/Plaintiff.

5. No oral or documentary evidence was adduced on the side of the Respondents/Defendants.

6. Both the sides heard.

7. In fine, this petition will be allowed on fulfillment of the following conditions:

(a) That the petitioner shall pay Rs. 1000/- to the respondents on or before 18/08/2021 and

(b) That the petitioner shall be present on 19/08/2021 for commencement of trial. For passing further orders, call on 19/08/2021.

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 11th day of August 2021.

**Sd./- A. Dharanidharan,
District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner/Plaintiff
NIL

List of documents on the side of the Petitioner/Plaintiff
NIL

List of witnesses on the side of the Respondents/Defendants
NIL

List of documents on the side of the Respondents/Defendants
NIL

**Sd./- A. Dharanidharan,
District Munsif,
Devakottai.**

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