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I.A. No.01/2026 in O.S. No.21/2026

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI.

**Present : Thiru. A. SARAVANAKUMAR, B.A., B.L.,
Principal District Judge, Theni.**

Friday, this the 31st day of July, 2026

I.A. No.01/2026

in

O.S. No.21/2026

C.N.R. No.TNTH01-000340-2026

Dhamodharan

...Petitioner/Defendant

/ Vs /

Chinnakannan

...Respondent/Plaintiff

This petition is coming upon 31.07.2026, for today hearing before me in the presence of Thiru. M.S. Muthukumaran, Advocate for the Petitioner/Defendant and Thiru. E. Maharaja, Advocate for the Respondent/Plaintiff and upon perusing the case records and the case having stood over for consideration, this court delivered the following :

ORDER

This is a petition filed by the petitioner/defendant under Order 9 Rule 7 r/w Section 151 of the CPC to set aside the exparte order passed in O.S. No.21/2026 on 27.03.2026.

2. Petition perused. No counter filed by the respondent.

31.07.2026

Principal District Judge, Theni



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3. Records perused. Heard both sides.

4. **The point for the determination is:-**

(1) Whether the petition is to be allowed or not ?

5. No oral or documentary evidence has been adduced on both sides.

Point:

6. This is an application under Order 9 Rule 7 CPC to set aside the exparte order that has been passed against the petitioner on 27.03.2026. The petition has also been presented along with written statement. The learned counsel for the respondents conceded that he has no objection to allow the petition. However, he pleads that subject to payment of cost, the petition may be allowed. Considering the facts and circumstances of the case, this court is of the view that the petitioner is prevented by sufficient cause to attend the court. However, since he has caused a delay in filing the application to the respondent, this court is of the view every delay can be compensated by way of cost under Civil Law. Therefore, this court is inclined to allow the application with costs.

In the result, the petition is allowed on the payment of cost of Rs.750/- to be paid directly to the respondent/plaintiff on or before 13.08.2026, otherwise, the petition shall be dismissed. Call on 14.08.2026.

Dictated to the Steno-Typist, taken by him in shorthand, transcribed and typed



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by him, corrected and pronounced by me, in the open court, this the 31st day of July, 2026.

**Principal District Judge,
Theni.**

List of witnesses examined and documents marked on both sides:-

Nil

**Principal District Judge,
Theni.**



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Principal District Court,
Theni.
Copy of Order in
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O.S. No.21/2026
Dated : 31.07.2026