



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

Present: Thiru. Swarnam J. Natarajan, M.L.,

Principal District Judge, Theni

Thursday, this the 05th day of March - 2026

I.A.No.03/2026 - In

O.S.No.14/2022

Wilson

...

Petitioner / Plaintiff

-Versus-

1. Gurusamy

2. Rajeshwari

...

Respondents / Defendants

This petition was coming up on 05.03.2026, for today final hearing before me in the presence of Thiru. S. Kajamydeen, Advocate for the Petitioner / Plaintiff and notice of hearing was sent to the Respondents / Defendants and perusing the documents, the case having stood over for consideration till this day, this Court delivers the following :

ORDER

This is the petition filed by the Petitioner / Defendant under Order 9 Rule 9 and section 151 of Civil Procedure Code to restore the suit in O.S.No.14/2022, which was dismissed for default on 23.01.2026.



2. According to the petitioner, he is the plaintiff in the original suit filed for specific performance against the respondents / defendants. The said suit was posted on 23.01.2026 for the petitioner's side evidence. The marriage of the petitioner's son Krishnakumar was fixed on 28.01.2026, and he was engaged in the marriage arrangements and related works. Due to the said circumstances, the petitioner could not appear before this Hon'ble Court on 23.01.2026 to adduce evidence. Further, the petitioner's counsel was also not well on that day and therefore the above facts could not be informed to the court. The non-appearance of the petitioner was neither wilful nor intentional and the failure to file the counter was not intentional but due to unavoidable circumstances. Hence, the present application is filed.

3. The respondents were served with the notice. The suit was dismissed for default on 23.01.2026. Sufficient reasons have been stated for the non-appearance of the plaintiff on the particular day. Considering the reasons stated in the application and in order to provide an opportunity to the plaintiff to put forth the case on merits, this court is inclined to restore the suit in O.S.No.14/2022.



In the result, this petition is allowed. No cost.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 05th day of March - 2026.

**Principal District Judge,
Theni.**



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The Principal District Court,

Theni.

I.A.No.03/2026

in

O.S.No.14/2022

Fair / Draft **ORDER**

Date : 05.03.2026