



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

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

Principal District Judge, Theni

Friday, this the 24th day of April - 2026

I.A.No.02/2026 - In

O.S.No.106/2025

Mohamed Chet

...

Petitioner / Plaintiff

-Versus-

Abdul Hakeem Raja Syed

...

Respondent / Defendant

This petition was coming up on 24.04.2026, for today final hearing before me in the presence of Thiru. K. Syed Abuthahir, Advocate for the Petitioner / Plaintiff and notice of hearing was sent to the Respondent / Defendant 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 / Plaintiff under Order 9 Rule 9 and section 151 of Civil Procedure Code to restore the suit in O.S.No.106/2025, which was dismissed for default on 23.01.2026.



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2. According to the petitioner, he is the plaintiff in the original suit and filed the suit against the respondent / defendant for recovery of money based on a promissory note. The case was posted on 23.01.2026 for plaintiff's side evidence. On that day, due to urgent personal work, the petitioner had to travel outstation and remain there for a few days. At the same time, the petitioner's counsel had undergone a heart surgery and was under medical treatment, due to which the petitioner could not contact the counsel and ascertain the case status. Hence, the petitioner could not appear before the Court on 23.01.2026 and the suit came to be dismissed for default. The non-appearance of the petitioner was neither wilful nor wanton, but due to unavoidable circumstances. The petitioner is ready to proceed with the suit and undertakes to prosecute the same diligently without any further default and that he has a good case on merits. Hence, the present application is filed.

3. The respondent was served with the notice and reported no serious objection in considering the application.

4. 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



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plaintiff to put forth the case on merits, this court is inclined to restore the suit in O.S.No.106/2025.

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 24th day of April - 2026.

**Principal District Judge,
Theni.**



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The Principal District Court,
Theni.

I.A.No.02/2026

in

O.S.No.106/2025

Fair / Draft **ORDER**

Date : 24.04.2026