



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

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

Principal District Judge, Theni

Thursday, this the 02nd day of April - 2026

I.A.No.01/2026 - In -

O.S.No.126/2025

A. Backiyam

...

Petitioner / 4th Defendant

-Versus-

1. Mallika

2. Indumathi

...

Respondents / Plaintiffs

This petition was coming up on 02.04.2026, for today final hearing before me in the presence of P. Ilangumaran, Advocate for the Petitioner / 4th Defendant and notice of hearing was sent to the Respondents / Plaintiffs 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 / 4th Defendant under Order 9 Rule 7 of Civil Procedure Code to set aside the exparte order on 23.10.2026.



2. According to the petitioner, the petitioner is the 4th defendant in the main case in O.S.No.126/2025. The Respondents / plaintiffs have filed the present suit before this court seeking recovery of money against the petitioner and other defendants. The case was posted on 23.10.2026 for filing the written statement on behalf of the petitioner and other defendants. On that day, due to a family function, the petitioner was unable to appear before this court and therefore could not file the written statement. Consequently, an *ex parte* order came to be passed against the petitioner. The petitioner is now filing this petition along with the written statement. The non-appearance of the petitioner was neither wilful nor intentional and the failure to file the written statement was not intentional but due to unavoidable circumstances. Hence, the present application is filed.

3. The respondent was served with notice. This application has been filed along with the written statement. Considering the reasons stated in the application, this court finds them satisfactory and convincing and in order to provide an opportunity to the petitioner / 4th defendant to contest the case on merits and to show her bona fides, this application is allowed. No costs. Post the matter for framing of issues on 20.04.2026.



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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 02nd day of April - 2026.

**Principal District Judge,
Theni.**



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I.A.No.01/2026 in
O.S.No.126/2025

The Principal District Court,

Theni.

I.A.No.01/2026

in

O.S.No.126/2025

Fair / Draft **ORDER**

Date : 02.04.2026

02.04.2026

Principal District Judge, Theni