



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

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

Principal District Judge, Theni

Friday, this the 20th day of February - 2026

I.A.No.07/2026 - In -

O.S.No.122/2025

Dhakshnamoorthy ... **Petitioner / 3rd Defendant**

-Versus-

1. P. Vijayaraghavan ... **1st Respondent / Plaintiff**

2. Padmavathi

3. Pavitha ... **2nd and 3rd Respondents /
Defendants 1 and 2**

This petition was coming up on 20.02.2026, for today final hearing before me in the presence of Thiru. P. Muralidharan, Advocate for the Petitioner / 3rd Defendant and notice of hearing was sent to the Respondents / Plaintiff and 1st and 2nd 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 7 and 151 of Civil Procedure Code to set aside the exparte order on 02.02.2026.



2. According to the petitioner, he is the 3rd defendant in the above suit and has valid defenses to contest the case. The written statement and relevant documents were received from the main counsel at Chennai for filing before this court. However, due to sudden illness of the counsel on the hearing date, the written statement could not be filed and the 3rd defendant was set exparte on 02.02.2026. The non-appearance and non-filing were neither wilful nor wanton, but due to unavoidable circumstances. The written statement and connected documents are filed along with this petition. In the meantime, the application for attachment before judgment in I.A.No.01/2025 was also allowed. Unless the ex parte order is set aside, the petitioner will suffer serious prejudice and loss. 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 respondents were served with the notice. This application is filed along with the written statement. Taking into consideration of the reasons stated in the application, this application is allowed. No cost.



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 20th day of February - 2026.

**Principal District Judge,
Theni.**



*scan the code using 'e Courts Services'
mobile application download from Play Store*

*I.A.No.07/2026 in
O.S.No.122/2025*

The Principal District Court,
Theni.

I.A.No.07/2026

in

O.S.No.122/2025

Fair / Draft **ORDER**

Date : 20.02.2026