



IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Wednesday, the 22nd day of October 2025

IA. No:03/2025

in

IA. No:02/2025

in

OS. No :03/2025

CNR. No.TNTH14-000139-2024

1. Thangakodi

2. Alagumalai

3. Sekar

...Petitioners/1-3 Respondents / Plaintiffs

..Vs..

Karuppan

...Respondent/Petitioner/1st Defendant

This Order came up on 22.10.2025 before this court for final hearing in the presence of Mr. S. Kamatchipandian, Advocate for the Petitioners/1-3 Respondents / Plaintiffs and Mr. A. Rajasekar, Advocate for the Respondent/Petitioner/1st Defendant. Upon hearing the arguments on Both sides and having stood over till this day for my consideration, this court delivers the following...



ORDER

This petition has been filed to set aside the ex parte order dated 20.08.2025 in I.A. No. 2/2025 in O.S No. 3 of 2025.

1. The learned counsel appearing for the petitioners contented that, the Petitioners/1-3 Respondents/Plaintiffs was set- ex-parte on 20.08.2025 for non-filing of Counter in I.A. No. 2/2025. The delay in presenting the Counter is neither Wilful nor wanton. Some of the important material documents to prepare the Counter were not readily available with the petitioners, hence they were unable to file the same within the time fixed by this court. Hence, it is prayed to set aside the ex-parte order and thus render justice.

2. To the contrary the learned counsel appearing for the Respondent/1st Defendant contended that there is no merits in this petition. The Petitioners have filed this petition to drag the proceedings. Hence, there is no substance in filing the present petition to set aside the ex-parte order.

3. I have given anxious consideration to the rival submission of both side counsel. On perusal of the materials available on records, it is seen that the



Respondent/1st Defendant filed an application to reject the plaint under Order 7 Rule 11 of Civil Procedure Code. When the said application was posted for filing counter, the Respondents/Plaintiff in that application, failed to file the same within the time fixed by this Court. The reason stated by the Petitioners is that some vital documents for preparing could not be made ready within the time fixed by this Court. Hence they could not file their counter in time.

4. In such case, this court is of the view that, being a court of first instance preventing the petitioners from contesting the claim of the Respondent/Defendant on merit will cause irreparable loss to the petitioners. The dispute regarding that whether the plaint to be rejected cannot be considered in this application. The said contention is a matter to be appreciated in the appropriate application. Further the Petitioner has filed this petition along with the Counter to show their bonafide.

5. On consideration of the above circumstances and in the interest of justice, this court is of the view that, one more opportunity to be given the petitioners to appear and contest the I.A. No. 2/2025 by setting aside the



ex-parte order dated 20.08.2025 passed against them. However, for not proceeding with the application promptly and for the hardship caused by delaying the suit proceedings, **this court is inclined to allow this petition only on a condition that, the petitioners shall pay a cost of Rs.500/- to the respondent/1st Defendant on or before 04.11.2025.**

Directly typed by me in my laptop, formatted by steno, corrected and pronounced by me in the open court, on this 22nd day of October 2025.

**District Munsif
Aundipatti.**

List of Petitioners/1-3 Respondents /Plaintiffs side witnesses and documents:Nil

List of Respondent/Petitioner/1st Defendant side witnesses and documents : Nil

**District Munsif,
Aundipatti.**

**District Munsif Court,
Aundipatti.
IA. No : 03/2025
in**

**IA. No : 02/2025
in
OS. No : 03/2025
Order
Dated: 22.10.2025**