

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, TIRUPPUR.

PRESENT: Tmt.A.Vanitha, M.S.W.,L.L.B.,

(J.O.CODE: 01953)

Principal District Munsif, Tiruppur,

Thursday this the 05<sup>th</sup> day of March 2026

I.A.No. 4/2026

in

O.S.No. 5/2026

1. Tamilvendan @ Sakthivel
2. Murugasamy
3. Prabhu
4. Madhan
5. Alamelu
6. Subramani

... Petitioner/ Respondent 1 and 5 to 9

/Versus/

1. Akilandadevi
2. Dhanush
3. Minor Madhu Sree (Rep by the Mother/Natural Guardian Akilandadevi)

...Respondent/Petitioner 1 to 3

This petition coming on 04.02.2026 for final hearing before me in the presence of Thiru.B.Mohan, B.A.,B.L., Advocate for Petitioner/ Respondent 1 and 5 to 9 and Thiru. P.Thiruvankadakumar, B.Com.,B.L., advocate for Respondent/Petitioner 1 to 3, upon perusing the documents, having stood over till this day for consideration, this court delivers the following :

## ORDER

1. This petition is filed Under Order 9 Rule 7 of CPC to pass an order to set aside the exparte order passed against this Petitioner/ Respondent 1 and 5 to 9 on 19.01.2026.

### THE GIST OF THE PETITION IS AS FOLLOWS:

2. The petitioners is the defendants in the main case. The Respondent/ petitioners has filed the suit for Temporary Injunction. The case was adjourned for appearance on 19.01.2026. Due to relative condolence the Petitioner/ Respondent 1 and 5 to 9 not able to appear before this court and also Petitioner/ Respondent 1 and 5 to 9 was not conduct counsel on that day. Hence exparte order passed against Petitioner/ Respondent 1 and 5 to 9 for non appearance. Hence the petition.

### THE CRUX OF THE COUNTER STATEMENT FILED BY THE 1<sup>st</sup> RESPONDENT AND ADOPTED BY THE RESPONDENTS 2 AND 3 ARE AS FOLLOWS :

3. The petition is false, frivolous and not maintainable. The petitioners have filed the present petition to set aside the exparte order passed in I.A.2/2026 on 19.01.2026. The petitioners have not approached this court with clean hands. The reason for non-appearance has been stated only for the 1st petitioner. No explanation has been given for petitioners 2 to 6. Hence no sufficient cause has been shown for their absence before this Hon'ble Court.

4. The petitioners were duly served with notice in accordance with Order XXXIX Rule 3 CPC regarding the ad-interim injunction order dated 09.01.2026. Despite service of notice, they failed to appear and were rightly set ex parte on 19.01.2026. The photographs filed by the petitioners are stated to have been taken on 03.02.2026, which is subsequent to the injunction order. Any entry into the suit property thereafter amounts to violation of the injunction order and unlawful interference.

5. On 03.02.2026, taking advantage of the absence of these respondents, the petitioners appear to have entered the suit property without their knowledge and taken photographs. Further, on 07.02.2026 the petitioners along with others entered the suit property, threatened and intimidated the 1st respondent and her relatives, after which the police were contacted.

6. Subsequently, these respondents lodged a complaint before the South Police Station, Tiruppur and also before the Commissioner of Police on 09.02.2026. The CSR and complaint copies are filed as documents. The petitioners have no lawful right over the suit property and have failed to show any bona fide or sufficient cause for setting aside the exparte order. The petition is filed only to delay the proceedings. Hence this Hon'ble Court may be pleased to dismiss I.A. No.4/2026 with costs and thus render justice.

7. Heard Both sides.

**POINT FOR DETERMINATION :**

8. It is the case of the petitioner, that petitioner is the defendant in the case and due to non-appearance of the petitioner/ respondent and set exparte against the petitioner/respondent and constrained to file the application.

9. On the other hand, the respondents come with frivolous applications and to drag on the proceedings filed the application and sought for dismissal of the application.

10. Admittedly the petitioner/ respondent has filed the application, to set aside the exparte.

11. According to the respondent, the petitioner is habituated in filing frivolous applications and not ready to proceed the case.

12. On perusal of material records available, the petitioner is seeking frequent adjournment and not proceed the cases within stipulated time.

14. Further, it is a settled law, that parties must be given opportunities to prove their case. Even though the petition is filed at belated stage, this court is inclined to allow the petition.

15. On considering the hardship of respondent/petitioners this petition allowed on cost of Rs.2,000/- to the respondents/petitioners on or before 12.03.2026 Compliance Call on 13.03.2026, if not payable automatically the petition will stands dismissed.

S.No.	ORDER
1.	As a result, this petition allowed on cost of Rs.2,000/- to the respondents/petitioners on or before 12.03.2026 Compliance Call on 13.03.2026
2.	If not payable automatically the petition will stand dismissed

Having dictated by me directly and computerized by Steno- typist directly and having corrected the Judgment is pronounced by me in the open court, of this the 5<sup>th</sup> day of March 2026.

Principal District Munsif,  
Tiruppur.

Petitioners Witnesses:

-NIL-

Petitioners side Exhibits

-NIL-

Respondents Witnesses:

-NIL-

Respondents side Exhibits

-NIL-

Principal District Munsif  
Tiruppur.