

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. 5/2026

in

O.S.No. 5/2026

1. Ayyammal
2. Tamilarasi

... Petitioner/ Respondents 2, 3

/Versus/

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

...Respondents/Plaintiffs

This petition coming on 04.02.2026 for final hearing before me in the presence of Thiru.A.Subash Chandra Bose, B.A.,LL.B, Advocate for Petitioner/ Respondents 2, 3 and Thiru. P.Thiruvekarakumar, B.Com.,B.L., advocate for Respondents/Plaintiffs, 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/ Respondents 2, 3 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 Permanent Injunction. The case was adjourned for appearance on 19.01.2026. As the 1<sup>st</sup> Petitioner is an old aged person and was suffering from age-related health ailments and unable to travel and the 2<sup>nd</sup> Petitioner had met with an accident and hence both the Petitioner are not able to appear before this court. Hence ex parte order passed against Petitioner/ Respondents 2,3 for non appearance. Hence the petition.

3. Counter not filed.

**POINT FOR DETERMINATION :**

4. 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 ex parte against the petitioner/respondent and constrained to file the application.

5. Admittedly the petitioner/ respondent has filed the application, to set aside the ex parte.

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

7. 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.

8. 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 stands 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.