

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,
Tuesday this the 24th day of March 2026

I.A.No. 2/2026
in
O.S.No. 185/2025

1. Rajesh
2. Moorthy
3. Mathivanan
4. Arumugam ... Petitioners/ Defendants

/Versus/

1. Murugesan
2. Sumathi ... Respondents/Plaintiffs

This petition coming on 24.03.2026 for final hearing before me in the presence of Thiru.A.Bakthapiragalathan, B.A.,B.L., Advocate for Petitioners/ Defendants and Thiru.S.A.Subburaju, B.A.,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 Petitioners/Defendants on 07.01.2026.

THE GIST OF THE PETITION IS AS FOLLOWS:

2. The petitioners is the Defendants in the suit. The Respondents/ Plaintiffs has filed the suit for Permanent Injunction against the defendants. The above suit was posted on 07.01.2026 for the appearance of the parties. On 07.01.2026 the petitioners on the way to this Hon'ble Court, but unfortunately due to heavy traffic, petitioners are could not attend the hearing. Hence exparte order passed against Petitioners/defendants for non appearance. Unless the exparte order passed against the petitioners is set aside, petitioners will be put to irreparable loss and sufferings. Hence the petition.

THE CRUX OF THE COUNTER STATEMENT IS AS FOLLOWS :

3. The petition is false, frivolous and not maintainable. The petitioners did not file a written statement in the above case. Since the petitioner did not filed a written statement and there is no objection to be raised in the above case, a exparte order has been issued. Hence the petition is dismissed.

4. Heard Both sides.

POINT FOR DETERMINATION :

5. It is the case of the petitioners, that petitioners is the defendants in the case and due to non-appearance of the petitioners/defendants and set exparte against the petitioners/defendants and constrained to file the application.

6. Admittedly the petitioners/defendants has filed the application, to set aside the exparte.

7. Further, it is a settled law, that parties must be given opportunities to prove their case for effective and proper adjudication of the case and therefore in order to avoid multicplity of the proceedings and in order to give opportunity this court is inclined to allow the petition.

8. On considering the hardship of Respondent/plaintiff, this petition is allowed on cost of Rs. 1,000/- to the respondent on or before 08.04.2026. Compliance Call on 09.04.2026, if not payable automatically the petition will stands dismissed.

S.No.	ORDER
1.	As a result, this petition is allowed on cost of Rs. 1,000/- to the respondent on or before 08.04.2026 Compliance Call on 09.04.2026
2.	If not payable automatically the petition will stands dismissed

Having dictated by me directly and computerized by typist directly and having corrected the Judgment is pronounced by me in the open court,of this the 24th day of March 2026.

Principal District Munsif,
Tiruppur.

Petitioner Witnesses:

-NIL-

Petitioner side Exhibits

-NIL-

Respondent Witnesses:

-NIL-

Respondent side Exhibits

-NIL-

Principal District Munsif,
Tiruppur.