

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif, Palladam.**

Thursday the 13th day of November 2025

IA No.3/2025

in

OS No.106/2021

S.Suresh

...Petitioner/Plaintiff

/Vs/

1. The District Registrar, Tiruppur.

2. Sub Registrar, Palladam.

...Respondents/Defendants

This Petition is coming on 03.11.2025 for final hearing before me in the presence of Thiru.A.Jegadeesh, M.A.,B.L., Advocate for the Petitioner and Additional Government Pleader Tmt.T.Renukadevi, M.A.,B.L., Advocate for the Respondents, Upon perusing the Petition, affidavit, counter statement and other connected materials on record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

1. The petitioner filed this petition in IA No.3/2025 Under Order IX Rule 9 and Under Section 151 of CPC, that to restore the above suit which was dismissed for default on 28.08.2024.

2. Brief averments of the petitioners:-

The above case was posted on 28.08.2024 for Trial List. The petitioner present on that day, due to advocate boycott he was not able to file proof

affidavit and mark the documents. Meanwhile this court has called the petitioner and dismissed the above suit on 28.08.2024. Thereafter, he met his counsel and he narrated the above fact that this court has dismissed the above suit on 28.08.2024. Hence, immediately he come forward with this petition to restore the above suit. His non appearance on that day is not wanton or willful. Hence, this petition.

3. Brief averments of the counter filed by the Respondents/Defendants :-

The petitioners has framed the petition with vague reasons. Further the Respondents states that the entire reasons stated by the petitioner has to be proved by them. The petitioner did not mentioned any acceptable reasons for the restoration of suit. Actually the petitioner filed the suit on 08.10.2021. The court framed the issues on 26.07.2024 and posted and posted for Trial List in the 8th month of 2024. On 28.08.2024 the plaintiff present and requested time orally without filling any Adjournment petition. The petitioner/plaintiff has a deliberate intention to drag the suit proceedings, therefore, he simply requested time without follow any procedures of law. Further on 28-8-2024 this court mentioned as "Plaintiff present. Despite case posted in the list for trial the plaintiff has not ready to proceed the trial. Hence, this suit is dismissed for default. No cost". This itself clearly proves that there is no locus standi to allow this petition in favour of petitioners. There is no Prima facie and balance of convenience among the petitioner/plaintiff to allow this petition. Therefore, this petition is liable to be dismissed.

4. Points for consideration:

Whether this petition will be allowed or not ?

5. Heard both sides. No oral or documentary evidence by the both sides.

6. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.106/2021 has been filed for Mandatory Injunction. This petition was filed by the petitioner Under Order IX Rule 9 and Under Section 151 of CPC, that to restore the above suit which was dismissed for default on 28.08.2024.

7) The learned counsel for the petitioners submitted that the on 28.08.2024 the above suit was posted for trial in the list and due to advocate's boycott, he was not able to proceed the trial. Hence, on that day this court was dismissed the above suit for default. Therefore, this petition to restore the suit is necessarily to be allowed in order to conduct the case.

8) The learned counsel for the respondents submitted that the reason stated by the petitioners is not convincing and in order to drag on the proceedings, the petitioners purposely failed to appear before this court and allowed this suit to be dismissed for default. There is no merits in the petitioner's case. Hence, this petition is liable to be dismissed.

9) On considering the both side submission and on perusing the records it is seen that when the case posted for trial in the list, the petitioner/plaintiff had failed to appear before this court. Therefore, this court had dismissed the above suit for default. The only reason stated by the petitioners is that on that day the advocate's were boycotting the court and hence, he could not proceed with the trial and thereafter he immediately filed this petition. In supporting the version of the petitioners though the above suit was dismissed for default on 28.08.2024, immediately within the prescribed limitation the petitioners filed this petition to restore the suit on 26.09.2024. The respondents have not raised any serious objections for this petition.

Considering the reason stated and the conduct of the petitioner, in the interest of justice, this court is inclined to allow this petition.

In the result, this petition will be allowed on condition to pay the cost of Rs.1,000/- to the District Legal Services Authority on or before 24.11.2025. Failing which this petition will stand dismissed automatically. For compliance Call on 25.11.2025.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 13th day of November 2025.

**District Munsif,
Palladam.**

Appendix:-

Petitioner's side Witness and Documents:- Nil

Respondent's side Witness and Documents :- Nil

**District Munsif,
Palladam.**