

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

**PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam**

Monday of 02nd February, 2026

IA No.10/2026

in

OS No.86/2018

1. Kuppusamy
2. Ravichandran

... Petitioners / Defendant Nos.15 and 17

/Vs/

1. Ramasamy (Died)
2. Dhanalakshmi
3. Sivasamy
4. Shanthi

... Respondents / Plaintiffs

This petition is coming on 28.01.2026 for final hearing before me in the presence of Thiru.K.Gopalakrishnan,B.A.,B.L., Advocate for the Petitioners and Selvi.R.Krishnaveni,B.A.,B.L., Advocate for the Respondents. Upon hearing both side arguments and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

ORDER

This application was filed by the Petitioner / Defendant Nos.15 and 17 to set aside the Exparte Order which was passed by this court as against the Defendants 15 and 17.

2. The learned Counsel for the Petitioner / Defendant firmly argued that he has a good case to defend the suit. Hence he file this application to set

aside the Exparte order since he was a person of old age he could not appear before this court in due time. Hence he filed this application to set aside the Exparte order.

3. Per contra, the Learned counsel for the Respondent / Plaintiff vehemently argued that this suit is at the stage of further DW's and it is the suit of more than 7 years old and this application was filed nearly after 6 years from the date of Exparte Order. Hence he prayed for consideration of this application on heavy terms.

II. Now point for consideration is Whether this application is allowed?

4. Heard Both sides. Perused entire records. On careful perusal of records admittedly this suit was filed in the year of 2018 now this suit is at the stage of examination of further Defendant side evidence. On careful perusal of records the main relief of the suit is for the relief of Preliminary decree for partition. Hence for a relief of partition the participation of all the parties is essential to decide the case on merits in order to give a complete justice over the case. Hence taking note of such fact and on other hand taking note of the fact that the Petitioner / Defendant Nos. 15 and 17 are coming before this court after a period of 6 years from the date of Exparte order this application is hereby allowed on a cost of Rs.4,000/- to the plaintiff on or before 13.02.2026. For Cost Memo call on 16.02.2026.

With this observation this petition is ordered. For Cost Memo call on 16.02.2026.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 02nd February 2026.

Subordinate Judge,
Palladam.