

**IN THE COURT OF DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
KILPENNATHUR.**

Present: Thiru.M.C.Arun, L.L.B.,
District Munsif-cum-Judicial Magistrate, Kilpennathur.

04th day of November, 2025, Tuesday.

IA 02/2025

in

OS.No. 157/2024

1. R. Gopal,
2. G. Ambiga,
3. G. Krishnan

..... Petitioners/Defendants

-Vs-

A. Vasugi

..... Respondent/ Plaintiff

This Petition is coming before me on 30.10.2025 for final hearing in the presence of Thiru. S. Sundar, learned counsel for the Petitioners/Defendants and Thiru.G.K.Raja, learned counsel for the Respondent/Plaintiff and upon perusing the case records having stood over for consideration till this day, this Court delivers the following;

ORDER

The petitioner filed the petition under Order 9 Rule 7 of CPC and prayed before this Court set aside the exparte dated 24.06.2024 and to pass any other relief for the interest of the Justice as this court think deem fit.

1. Crux of the petition:

The petitioners submits that 1st petitioner is the 1st defendant and she is well acquainted the fact of this case and she files the same and behalf of other petitioners. The petitioner further submits that plaintiff/Respondent filed the suit to grap the property owned by the petitioner and the plaintiff does not have any right, interest over the suit property and the plaintiff is no way connected with the suit property and she filed OS 160/2023 before ADM, Tiruvannamalai were the petitioner participated

in the proceedings and conducted the same. While so, he was affected with jaundice which resulted that he could not contact his counsel and could not appear before this court after transfer of case from ADM, Tiruvannamalai to this newly constituted court. which resulted that Petitioners were set exparte on 24.06.2024. The petitioner submits that they were set exparte for non filing of written statement and this petition is not allowed, they will be put irreparable loss and hardship and pray to allow this petition.

2. Crux of the Counter:

The petition is not maintainable either in law or on facts. The allegation mentioned in the petition is to be proved by the petitioner alone except the fact which are admitted herein. The respondents denies the reasons mentioned in para 1, 2, 3, 4. The respondent submits that the court has given sufficient time to the petitioners to file written statement but the petitioner did not file written statement in time only with intention to drag the proceedings and to cause delay and is mentioned in the petition is fictitious one and no medical records filed to support their version and so prayed to dismiss the petition.

3. Points for consideration whether the petition allowed or not?

Heard. Records perused. The counsel for the petitioner submitted that they were set exparte for non filing of written statement and the same is not willful nor wanton and prayed to set aside the exparte order where as the counsel for the respondent submitted that the petition does not have any merits to allow and no medical records filed to strenthen the reason to mention the petition and prayed to dismiss the petition. The court perused the records and observed that this court set respondent were exparte on 24.06.2024 and this petition is filed on 05.08.2025 i.e above a year. However, the Respondent/Plaintiff did not take any steps exparte evidence and this suit is pending before this court for exparte arguments when the case is transferred to this court and thereafter this petition is filed the set aside exparte order accordingly and so this court is of opinion that considering the principal of fair

trial and also this court being the fact finding court, hearing the other side would be very necessary for the correct decision. this court is inclined to allow this petition with cost will be fair.

4. In the result, this petition is allowed with cost of Rs. 2,000/- and same to be paid on or before 24.11.2025 failing which this Petition stands dismissed. Call on 25.11.2025.

Dictated to the Steno-Typist, directly typed and computerized by her, corrected and pronounced by me in the Open Court on this, the 04th day of Novembr, 2025.

District Munsif-cum-Judicial Magistrate,
Kilpennathur.

Petitioner side Evidence	: Nil
Petitioner side Document	: Nil
Respondent side Evidence	: Nil
Respondent side Document	: Nil

District Munsif-cum-Judicial Magistrate,
Kilpennathur.