

**IN THE COURT OF DISTRICT MUNSIF COURT, TIRUTTANI**

**Present:** Tmt. G. Priya, B.A., M.L.,

District Munsif (FAC), Tiruttani.

Dated this Friday, the 12<sup>th</sup> day of January 2024.

IA.No.05 of 2021 in O.S.No.10 of 2021

...

1. Annamalai
2. Murugesan
3. Dhakshinamoorthy
4. Murugesan
5. Hemadri

...Petitioners/1 to 5 Defendants

-Vs-

Adhimoolam

...Respondent/Plaintiff

This petition is coming on this day for final hearing in the presence of Mr.G. Kamala Kannan, Advocates for Petitioners and M/s. V. Kishore Reddy, P.Yamuna, E. Vijaya Kumar, A. Akila and C. Arumugam, Advocates for Respondent upon hearing both sides after perusing records and having stood over for consideration till this day, this court delivered the following:-

**ORDER**

This petition is filed under order 9 Rule 7 of CPC to set aside the exparte order dated 31.08.2021 and permit the Defendants to file written statement.

**2. PETITION FILED ON BEHALF OF THE PETITIONER IN BRIEF:**

The above suit was proposed by the Petitioner and 5<sup>th</sup> Defendant for filing written statement by him and other Defendants. He further submits that

the case is lookafter by Respondent No.1 and 3 as being elderly person. He and other Respondents believed that the case is active part and the elder persons filed written statement earlier but unfortunately the case was already been exparte. The elder persons Respondent No.1 and 3 could not able to contact their earlier advocate on record due to covid 19 fear and restrictions. Mean while this Court was pleased to called the Respondent No.1 to 5 and absent, the matter also posted for exparte evidence. Hence this Petition.

**3. THE COUNTER FILED ON BEHALF OF THE RESPONDENT IN BRIEF:-**

The allegations contained in para.3 of the affidavit are all false and denied by this Respondent. The allegations that the above case was look after by the Respondents 1 to 3 being elderly person that they believed that the case is active part that the elder persons filed written statement earlier are all false and denied by this Respondent. This Petition is filed by the Petitioners to drag on the proceedings. There are no bonafide and no merits in this Petition. Hence to dismiss this Petition with the cost.

**4. POINT FOR DETERMINATION:-**

Whether the Petitioner is entitled to the relief as sought for?

5. It is observed that the Petitioners/1 to 5 Defendants were set exparte on 31.08.2021. It is observed that the reason stated by the Petitioners for their absence is due to Covid-19 threats and upon perusal of the reason stated this Court concludes that the reason is reasonable and acceptable, whereas for the delay and hardship caused by the Petitioners/1 to 5 Defendants in proceeding the suit, Further this Court is inclined to allow this Petition with cost to a sum of Rs.1000/- to be paid on or before 30.01.2024.

Call on 31.01.2024.

This order has been dictated by me to the typist, typed by her directly in the computer, corrected and pronounced by me in the open Court, on this 12<sup>th</sup> day of January 2024.

Sd/- G. Priya  
District Munsif(FAC)  
Tiruttani

**Both sides Witnesses and Exhibits: Nil**

Sd/- G. Priya  
District Munsif(FAC)  
Tiruttani