

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,

District Munsif, Tiruttani.

Dated the Tuesday of 22nd Day of July 2025

I.A.No.2/2025 in OS.No.45/2024

(CNR.No. TNTR21-000056-2024)

...

1. Sekar

2. Chithrakumar

3. Deivanammal

...Petitioners/Defendants 6 to 8

/Versus/

1. K. Vinayagam

... 1st Respondent/Plaintiff

2. Anjaneya Reddy

3. A. Vani

4. A. Parandaman

5. Anitha

6. Purushothaman

7. The District Collector, Tiruvallur

8. The District Revenue Officer, Tiruvallur

9. The Revenue Divisional officer, Tiruttani

10. The Tahsildar, Tiruttani

11. The Sub-Registrar, Tiruttani ... 2 to 11 Respondents / 1 to 5, 6 to 13 Defendants

This petition came up before me for the final hearing on 08.07.2025 in the presence of M/s. P. Kuppan, Advocate for Petitioners/ 6 to 8 Defendants, M/s. P.D. Ravichandran, Advocate for 1st Respondent/Plaintiff, R2 to R11 were called absent and set exparty in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition is filed under order 9 Rule 7 of CPC to set-aside the exparte order dated 20.01.2025.

1. The averments of the petition in brief are as follows:-

The 1st respondent/plaintiff filed the above suit for declaration and permanent injunction against the defendants. Due to non filing of written statement by petitioners, they were set exparty on 20.01.2025. The petitioner was affected by chicken box and he was taking native treatment to recover from the same. After heal from the chicken box, when he contacted his counsel, he know about the exparty order passed. Due to his health condition, he unable to contact his counsel and file the

written statement on time. The petitioners have good case on merits to defend the suit. Hence, this petition is filed.

2. **Counter filed on behalf of the 1st Respondent in brief:-**

The above petition filed by the petitioners against this respondent praying to set aside the exparty order passed on 20.01.2025 at the belated stage of evidence in order to drag on the proceedings is not maintainable either in law or on facts. Accordingly the allegation in paras 1 to 3 of affidavit are admitted. The allegation in Para 4 of the affidavit is false. The petitioner unable to contact advocate as alleged in petition is false. At this juncture without clean hands the petitioner approached this court by filing written statement to set aside the exparty order on 21.01.2025 is not maintainable. Hence the petitioners are not entitled to the relief of set aside the exparty order. Hence this petition is liable to be dismissed in limini.

3. **Point for determination:**

Whether the petitioners are entitled to the relief as sought for? or not?

4. Heard both sides. According to the petitioners, due to non filing of written statement on 20.01.2025 the court passed exparty order against the petitioners. The petitioners have good case on merits to defend the suit. Hence the petitioners pray to allow this petition. The 1st Respondent resisted the petition by contending that the petition is highly belated and to drag on the proceedings. Hence the petitioners are not entitled to the relief of set aside the exparty order. Hence, the respondent prays this petition to be dismissed with costs.

5. On perusal of records, D6 to D8 appeared through their counsel on 23.10.2024 and the case was posted to 22.11.2024 for written statement. On 22.11.2024, 20.01.2025 written statement not filed on the side of defendants. Hence defendants were set exparty on 20.01.2025. In spite of sufficient opportunity given to petitioners/ defendants, petitioners not turned up for filing written statement. No sufficient reason shown in the petition for non filing written statement in time. No documents produced by the petitioner to show his illness. Even though considering the fact and circumstances of this case, this court is of view that in the interest of

justice to provide the petitioners an opportunity to prove their case, to prevent multiplicity of proceedings and for proper adjudication of the case, this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the Petitioners have to pay a cost of Rs.500/- to the 1st Respondent on or before 29.07.2025 failing which this petition stands dismissed. Call on 29.07.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 22nd day of July 2025.

District Munsif,
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

District Munsif,
Tiruttani.