

IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: TMT. K.INBARANI, B.A.,B.L.,
(J.O.Code - TN2350)
DISTRICT MUNSIF, KATPADI

Friday, this the 13th Day of June – 2025

I.A.No. 6 of 2023
In
O.S.No. 59 of 2014
(CNR.No.TNVL23-000055-2014)

1. Panchatcharam
2. Pandiyan
3. Kannabiran
4. Selvam
5. Jayaseelan

.....Petitioners/Defendants

-Vs-

Meera @ Meerabai

.....Respondent/Plaintiff

This petition has come up today before this Court for orders, in the presence of Thiru.T.Prabu, the Counsel for the Petitioners and Tmt.J.Kanchana Arivazhagan, the Counsel for the Respondent. Upon perusing the entire case records, this court delivers the following:

ORDER

This petition has been filed by the Petitioners/Defendants under Order 9 Rule 7 of Code of Civil Procedure to set aside the Ex-parte order passed against their on 15.12.2021.

1. **Brief averments of the Affidavit filed by the Petitioner is as follows:-**

The Petitioner states that he is the 1st defendant in the above suit. He filed this petition himself and behalf of four another petitioners/defendants. The above suit was posted for PW1 Cross continuation. He is not approach his counsel and he did not file proof affidavit. Hence this court was closed their side evidence on 15.12.2021. Hence, he has filed this petition to setaside the exparte dated 15.12.2021. He has good defense to succeed the above case. Hence this petition has been filed.

2. **Brief averments of the Counter filed by the Respondent is as follows:-**

The Respondent states that, the suit was filed in the year 2014. The suit was decreed on 10.01.2015 itself. Subsequently, the petition has filed the setaside petition during the year 2017 along with written petition which was allowed. The petitioner was set exparte on 15.12.2021 till 08.03.2023 the petition not filed any petition to setaside the exparte. The petitioner araised the respondent by dragging the suit. The petition is not disclosed any valid reasons for the delay occurred in their part the petition is entirely vague, it is the tactics of the petitioner with the intention to drag on the proceedings

thereby harass the respondent, in such intention of the petitioner would not be achieved. Hence she prayed to dismiss the petition.

4. **Point for Consideration:-**

- a) Whether this petition is entitled to be allowed or not?

5. **Answering to the Point:-**

5.1 The Petitioner states that he is the 1st defendant in the above suit. The above suit was posted for PW1 Cross continuation. He is not approach his counsel and he did not file proof affidavit. Hence this court was closed their side evidence on 15.12.2021. Hence, he has filed this petition to setaside the exparte dated 15.12.2021. He has good defence to succeed the above case.

5.2 The Respondent states that, the suit was filed in the year 2014. The suit was decreed on 10.01.2015 itself. Subsequently, the petitioner has filed the setaside petition during the year 2017 along with written petition which was allowed. The petitioner was set exparte on 15.12.2021, thereafter, the petitioner was not filed any petition to setaside the exparte till 08.03.2023. Therefore, the petitioner is wantonly and purposefully dragging the matter.

5.3 On careful considering the said facts, the suit has been filed in the year 2014. They were set exparte in the 1st hearing itself, then they have filed I.A.No.235/2017 to setaside the exparte order which was allowed. As they have not cross examined the PW1, again they were set exparte on 15.12.2021. After that, they

have filed this petition on 21.02.2023 nearly after one year, the petitioners has filed this petitions stating that they did not approach the counsel, hence, they were set exparte. It is clearly seen that, without any valid reason, they have filed this petition to setaside the exparte order, though this petition has been filed after a period of one year, this petition is allowed on costs Rs.2,000/- in order to considering the nature and circumstances of the case. Hence, this petition is allowed on costs Rs.2,000/-.

The Petitioner is directed to pay the cost to Respondent on or before 23.6.2025 failing which the petition is stands dismissed. Compliance on 25.6.2025.

-//Dictated to the Steno-typist, transcribed and computerized by him, corrected and pronounced by me in the Open Court on this the 13th Day of June – 2025.//-

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI

Both sides documents and witnesses: **NIL**

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI