

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
(J.O.Code - TN02266)
DISTRICT MUNSIF, KATPADI.**

Wednesday, this the 5th Day of February – 2025

**I.A.No. 02 of 2024
In
O.S.No. 47 of 2019
(CNR.No.TNVL23-000119-2019)**

Rajagopal

.....Petitioner/Defendant

-Vs-

Palani

.....Respondent/Plaintiff

This petition has come up today before this Court for orders, upon hearing the arguments of Thiru. R.Rajendiran, the Counsel for the Petitioner, and Respondent was called absent and set Ex-parte on 19.11.2024, and upon perusing the petition and the entire case records, and having stood before this court for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed by the petitioner under Order IX Rule 7 and Section 151 of Civil Procedure Code, to set aside the exparte order on 25.03.2024 against the petitioner in the above suit.

Records Perused. This Petition has been filed by the Petitioner/Defendant to set aside the Exparte Order passed against him on 25.03.2024. Notice given to Respondent/Plaintiff but he failed to file counter that too even after providing

sufficient time and he was set exparte for non filing counter. In petition affidavit, the petitioner state that he was affected virus fever and bed ridden and also old age person, and thus, he could not able to appear before this Court on 25.03.2024 but no material proof submitted in support of the said version.

It is seen from records, already the Petitioner/Defendant had filed Written Statement and on the basis, issues were framed, and he had cross examined the PW-1, and duly participated in the trial proceedings, but on his side evidence, he failed to appear before this Court, and not inclined to led evidence and this Court observed the same, and set the Petitioner/Defendant as set Exparte. When the case is pending for Exparte Argument, on the very next hearing the Petitioner/Defendant had filed the present petition. Though the Petitioner/Defendant has not shown any good cause for his absence, this Court is of the view that participation by the defendant in the trial proceedings cannot be denied. Further, there is no Exparte decree has been passed in this suit. From the above discussions, this Court is inclined to set aside the Exparte Order passed against the Petitioner/Defendant in the above suit on 25.03.2024. In the result, this petition is allowed. No costs.

Pronounced by me in the open court, this the 5th day of February 2025.

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