

In the Court of the Principal District and Sessions Judge,

Virudhunagar District at Srivilliputtur

Present:-Thiru.K.Jeyakumar, B.L.,L.L.M.,

Principal District and Sessions Judge

Friday, this the 01st day of August' 2025

I.A.No.3/2025

in

I.A.No.2/2024

in

O.S.No.115/2023

Guruvaiah

...Petitioner/Plaintiff.

/Vs./

1) Sivamuthu

2) Uma

3) Aananthi

4) Lalitha

... Respondents/Defendants.

This petition coming before me for final hearing in the presence of Tr.R.Rajkumar, Advocate for the petitioner and Tr.K.Seenivasagam, Advocate for the respondents and upon hearing the arguments of both side and perusing the records, this Court delivered the following,

ORDER

The Petitioner/Plaintiff has filed this petition to restore the I.A.No.2/2024 which was closed on 03.03.2025.

2) It is contended that the petitioner has stated that the I.A.No.2/2024 has been posted for hearing of enquiry on 04.02.2025. At that time, the petitioner was suffered with illness and so the petitioner could not contact his counsel to proceed with the hearing of the said case. Subsequently, this case was called on 03.03.2025 and the same has been closed for No order was in force. Hence, they prayed to restore the I.A.No.2/2024 and allow this petition.

3) The 4th respondent has filed counter disputing all the allegations and averments. The non-appearance that the petitioner was suffered with illness is

false. I.A.No.2/2024 was closed as No order was in force that even after giving sufficient time for the petitioner to argue the matter. Hence, 4th respondent has prayed to dismiss the petition.

Point for consideration:-

4) Heard. Record perused. This Court considered the rival submissions made on both side. This petition has filed to restore the said I.A.No.2/2024. The petitioner has stated that he was suffered with illness and so the petitioner could not contact his counsel to proceed with the hearing of the I.A.No.2/2024 is one of the reason for non-argued the matter. Since, the petitioner has been filed this petition to restore the I.A.No.2/2024 which was closed as No order was in force, while the suit is pending for the trial stage. So, now the petitioner wants to argue in the ABJ petition and pressing for the order. And also the respondent stated that no objection to restore the I.A.No.2/2024. Hence, this Court is of opinion that the petition has to be allowed and hereby I.A.No.2/2024 is restored. No cost.

5) In the result, this petition is allowed and hereby I.A.No.2/2024 is restored. No cost.

Dictated to the Steno-Typist, directly typed by her, then corrected and pronounced by me in open Court on this the 01st day of August 2025.

**Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.**

List of witnesses and documents on both side:- NIL.

**Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.**

Principal District Court
Srivilliputtur
I.A.No.3/2025
in
I.A.No.2/2024
in
O.S.No.115/2023
Fair/ Draft Order
Dated: 01/08/2025