

The petitioner is the 1st defendant in the suit. The respondent/plaintiff had filed a suit against the petitioner/1st defendant and other defendants 2 to 5 seeking payment of suit amount before Additional District Court, Virudhunagar. The petitioner was present in all the hearings before the Additional District Court, Virudhunagar. In this situation, the suit was

transferred to this Court. Due to the transfer of the suit, the petitioner was unable to contact her counsel. Due to his non-appearance before this court, on 09.02.2026, this court has passed an ex parte order as against the petitioner. On the side of respondent, there is no chance to have any objection to allow this petition. If this petition is not allowed, she will suffer great loss and hardship. Hence prays to allow this petition.

3. The Brief averments of the counter filed by the respondent is as follows :

3.1 The respondent is the plaintiff in the original suit. The main suit was filed for the relief of recovery of money on promissory note. It is true that the suit was transferred from the Virudhunagar Additional District Court to this Court. It is false to state that due to the transfer of the case, the petitioner/1st respondent was unable to contact her counsel and hence, on 09.02.2026, due to the non-appearance of the petitioner, an ex parte order was passed against her. The plaintiff has to prove the same. In fact, in another case in O.S.No. 283/2023, which is being transferred from the Virudhunagar Additional District Court to this Court, the 1st respondent has appeared before this court through a lawyer. The main suit has been filed to recover the promissory note loan taken by Dr. Poornachandran, as against the heirs of Dr. Poornachandran. Similarly in the promissory note case in O.S. No. 02/2021, which was filed by one Ramamoorthi before Additional District Court, Virudhunagar, a part of the property of Dr. Poornachandran's Shanthi Multi Speciality Hospital Ltd. was attached on 23.03.2021 and the attachment order has been registered in the Madurai South Registrar's Office as No. 18/2021. Since the loan amount taken from Mr. Ramamoorthy was settled by the heirs of (late). Dr. Poornachandran out of the court, the suit in O.S. No. 02/2021 was closed on 17.03.2023. Later on 24.03.2023, the attachment order was cancelled.

3.2 In this case, the respondent/plaintiff has filed a petition in 1.A. No: 170/2021 seeking attachment of the properties before the judgment. The Virudhunagar Additional District Court has dismissed the above petition on 16.07.2024 on the basis that the properties mentioned in the petition were properties of Shanthi Multi Specialty Hospital Ltd. company. Although the properties are all belonged to Shanthi Multi Specialty Hospital Ltd., they are all got by Dr. Poornachandran. Dr. Poornachandran and his sister Manoranjitham are the only directors. Dr. Poornachandran's heirs also have a share in it. The properties of Shanthi Multi Specialty Hospital Ltd. have been illegally transferred in the name of Dr. Poornachandran's illegal 2nd wife, namely Sheeba by executing a power deed in document number: 361/2023. The 1st wife of Dr. Poornachandran, namely the 1st defendant Geetha, has also signed in the power deed. Further, the 1st defendant has obtained a legal heir certificate from the Revenue Tahsildar by suppressing the fact that the deceased Dr. Poornachandran had two wives. The name Poornimachandran mentioned in the legal heir certificate in serial number 4 is the daughter of the 2nd wife of the deceased Dr. Poornachandran. Taking advantage of the fact that Sheeba's name was not included in the legal heir certificate, the two wives of the deceased Dr. Poornachandran had sold the properties of the above company by showing Sheeba as the nominee of the deceased Dr. Poornachandran.

3.3 The property of Shanthi Multi Speciality Hospital Ltd. was sold on 23.09.2025, and out of the sale consideration, the 1st defendant Geetha, has received Rs. 70,00,000/-, the 2nd and 3rd defendants received Rs. 70,00,000/- and defendants 4 & 5 received Rs. 40,00,000/-. In the ABJ petition, the defendants had argued that they had no connection with the company, but they sold the same company property and received Rs. 1,70,00,000/-. Hence, it is clear that all the defendants have made false statements with an intention to defraud the

creditors. All the documents related to the company are in the possession of the defendants. In the suit in O.S.No: 283/2023, the 1st respondent Geetha has continuously appeared and has added Shanthi Multi Speciality Hospital Ltd., Company as a defendant in the above case and has relieved as she had no responsibility. At present, no lawyer has appeared on behalf of Geetha in that suit. But Advocate Mr. Niranjana S. Kumar has appeared on behalf of Shanthi Multi Speciality Hospital Ltd., Company. Now the same lawyer has filed this petition on behalf of the petitioner Geetha. From this it is clear that the respondents in the case are changing their position according to the circumstances in order to cheat the creditors, but Shanthi Multi Speciality Hospital Ltd., Company and the respondents are not different. The petitioner has filed this petition only with an intention to prolong the trial of the main suit and there is no merits in this petition. Hence prays to dismiss the petition.

4. Point for Determination :

Whether this petition deserves to be allowed or not.

Heard the Counsels for both sides. Records perused. No Oral and Documentary evidence adduced by both sides.

5. By considering the rival submissions and by perusing the materials available on record, this court finds that initially the original suit was pending before Virudhunagar Additional District Court. After that on constitution of this court, this case was transferred to this court and case records were received on 07.08.2024 and issues were framed on 09.08.2024. On the side of plaintiff P.W. 1 was also examined on 01.12.2025. In the mean time it is found that after transferring this case from Virudhunagar, notice of intimation regarding the transfer was not sent to 1st defendant. Due to continuous non appearance of the 1st defendant and her counsel, notice was sent to the 1st defendant and her counsel. Even though notice served to the 1st defendant and her counsel, the 1st

defendant did not appear before this court and there was no representation on her behalf. Hence on 09.02.2026 the 1st defendant has been called absent and set exparte. The present petition has been filed on 01.04.2026. The suit is filed by the respondent/plaintiff for recovery of money.

6. On the side of the petitioner, it is contended that due to the transfer of the suit, the petitioner was unable to contact her counsel and hence she could not appear before the court. On the side of respondent, it is contended that the reason stated by the petitioner for her non appearance is unacceptable one. Because in another case in O.S.No. 283/2023, which is being transferred from the Virudhunagar Additional District Court to this Court, the 1st respondent has appeared before this court through a lawyer. Further it is contended that the respondent/plaintiff has filed a petition in 1.A. No: 170/2021 seeking attachment of the properties before the judgment and that petition has been dismissed on 16.07.2024 on the basis that the properties mentioned in the petition were properties of Shanthi Multi Specialty Hospital Ltd. company and although the properties are all belonged to Shanthi Multi Specialty Hospital Ltd., they are all got by Dr. Poornachandran and Dr. Poornachandran's heirs also have a share in it and the properties of Shanthi Multi Specialty Hospital Ltd. have been illegally transferred in the name of Dr. Poornachandran's illegal 2nd wife, namely Sheeba by executing a power deed in document number: 361/2023. Further, it is contended that the 1st defendant has obtained a legal heir certificate by suppressing the fact that the deceased Dr. Poornachandran had two wives and taking advantage of this, the two wives of the deceased Dr. Poornachandran had sold the properties of the above company by showing Sheeba as the nominee of the deceased Dr. Poornachandran with an intention to defraud the creditors and all the documents related to the company are in the possession of the defendants. Further it is contended that the petitioner has filed

this petition only with an intention to prolong the trial of the main suit and there is no merits in this petition and prays to dismiss the petition.

7. On perusal of records, it is seen that the suit is filed for the relief of recovery of money. Admittedly in this case, an ex parte order was passed against the petitioner, who is the 1st defendant in the suit, on 09.02.2026 and the present petition has been filed on 01.04.2026. Admittedly in this case, trial was commenced and P.W.1 was examined partly and the case is posted for further examination of P.W. 1. As contended by the petitioner/1st defendant the main suit was transferred to this court and due to continuous non appearance of the 1st defendant, notice was sent to the 1st defendant. On the side of the respondent there is no other serious objections to allow this petition. The other averments pleaded in the counter is not germane to decide this application. Since the suit is filed for recovery of money, in the interest of justice this court is inclined to give an opportunity to the petitioner to defend the case. However the delay caused by the petitioner to the respondent has to be compensated by costs. Hence to effectively adjudicate the dispute among the parties and in the interest of justice and in order to give opportunity to the petitioner to conduct the suit on merits, this court is inclined to allow this application on condition by imposing costs.

8. In the result, this petition is allowed on condition that the petitioner has to pay a sum of Rs. 1500/- (Rupees one Thousand and five hundred only) as cost to the respondent on or before 27.07.2026. For reporting compliance call on 28.07.2026.

Dictated by me to the steno-typist, directly typed by her, corrected and pronounced by me in open court, on this the 20th day of July, 2026.

Additional District Judge, Aruppukottai.

List of Witness and Exhibits on the side of the Petitioner: Nil.

List of Witness and Exhibits on the side of the Respondent: Nil.

Additional District Judge
Aruppukottai.