



C.R.P.(MD)No.3319 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3319 of 2023

P.Mariammal

... Petitioner/
Respondent/
Defendant

Vs.

T.Elango

... Respondent/
Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.01.2023 passed in I.A.No.1 of 2022 in R.C.O.P.No.1 of 2018 on the file of District Munsif Court, Pattukottai by allowing this civil revision petition.

For Petitioner : M/s.R.Pranavi

For Respondent : Mr.M.Dinesh

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2022 in R.C.O.P.No.1 of 2018 dated 20.12.2022 on the file of



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the District Munsif Court/Rent Controller, Pattukottai, allowing the application filed under Order 9 Rule 9 C.P.C. for restoring the R.C.O.P.No. 1 of 2018, which was dismissed for default on 30.07.2019.

2. The main contention of the revision petitioner is that though the restoration application was filed in time, that was returned by the Rent Controller and the same was re-presented again and again and thereafter, the application was taken on file after four years.

3. Admittedly, the main petition was filed by the respondent for eviction.

4. The District Munsif/Rent Controller, taking note of the objections raised by the revision petitioner and also the fact that the eviction petition was dismissed for default and in order to give an opportunity to prosecute the eviction petition, has allowed the application by imposing cost.

5. Considering the facts and circumstances, the impugned order allowing the application cannot be found fault with. But taking note of the



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other circumstances, this Court is inclined to enhance the cost imposed by the District Munsif/Rent Controller. Hence, the respondent is hereby directed to pay cost of **Rs.2,000/- (Rupees Two Thousand only)** to the revision petitioner on or before **18.01.2024**.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

19.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The District Munsif Court,
Pattukottai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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