

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

CRP.No. 292 of 2010 (C)

AGAINST THE ORDER IN I.A. 525/2007 IN O.S. 211/2002 of SUB
COURT, MAVELIKKARA.

PETITIONER(S)/PETITIONER/PLAINTIFF:

P.THANKAPPAN,
PADMABHAVANAM, EDAKKUNNAM MURI,
CHARUMMOODU P.O.,
NOORANADU VILLAGE.

BY ADV. SRI.K.SASIKUMAR

RESPONDENT(S)/COUNTER PETITIONER/DEFENDANTS:

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1. BHAGEERATHI, AGED 55 YEARS,
W/O. PADMANABHA NANU, KANDEDAYYATHU HOUSE,
(NARAYANA BHAVAN), ANAYADI MURI,
SOORANADU NORTH VILLAGE, ANAYADI P.O.,
KOLLAM DISTRICT.
 2. VISWAJITH, AGED 33 YEARS, S/O. NANU,
KANDEDAYYATHU HOUSE, (NARAYANA BHAVAN),
ANAYADI MURI, SOORANADU NORTH VILLAGE,
ANAYADI P.O., KOLLAM DISTRICT.
 3. AJITH, AGED 30 YEARS, S/O. NANU,
KANDEDAYYATHU HOUSE, (NARAYANA BHAVAN),
ANAYADI MURI, SOORANADU NORTH VILLAGE,
ANAYADI P.O., KOLLAM DISTRICT.
 4. JEENA RANI, AGED 27, D/O. BHAGEERATHI,
KANDEDAYYATHU HOUSE, (NARAYANA BHAVAN),
ANAYADI MURI, SOORANADU NORTH VILLAGE,
ANAYADI P.O., KOLLAM DISTRICT.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P. BHAVADASAN, J.

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C.R.P. No. 292 of 2010
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Dated this the 4th day of September, 2015.

ORDER

Aggrieved by the order dated 17.11.2008 in I.A.No.525 of 2007 in O.S. No.211 of 2002, the plaintiff before the court below has come up in revision.

2. Eschewing unnecessary details, it appears that there was a direction to the plaintiff to pay balance court fee on or before 18.6.2003. Since the plaintiff could not comply with the said direction, he sought extension of time which was declined and plaint was rejected. That led to the filing of I.A. 525 of 2007 for reviewing the order and by that time, requisite court fee had already been paid. The court below on technical ground held that no sufficient grounds have been made out to review the order and rejected the petition.

3. One can only say that the order is unfortunate. The suit is one for realization of

Rs.1,80,500/- with future interest on a dishonoured cheque. The initial court fee had already been paid. It is true that the petitioner could not remit the balance court fee as directed by the court below within the stipulated time, but he had moved a petition for extension pointing out certain reasons. That was rejected. That led to the filing of the revision petition.

4. This Court is given to understand that as of now the entire court fee has been paid and to non-suit the plaintiff on the ground that the order directing the plaintiff to pay balance court fee within the stipulated time has not been complied with will be gross injustice and unreasonable.

5. There is considerable force in the above submission. Now that the entire court fee has been paid and it is only proper to direct the court below to dispose of the suit in accordance with law.

In the result, this Civil Revision Petition is allowed, the impugned order is set aside and Sub Court, Mavelikara is directed to take back O.S. 211 of 2002 on file and dispose of the same in accordance with law and on merits.

sb.

P. BHAVADASAN,
JUDGE