

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2015

Coram

The Hon'ble Mr. Justice **M.DURAISWAMY**

C.R.P.(NPD).No.4081 of 2014  
and  
M.P.No.1 of 2015

A.Rajagopal .. Petitioner

Vs.

S.Kumaravel ... Respondent

Civil revision petition filed against the order dated 27.2.2014 passed by the Principal District Judge, Cuddalore, in I.A.No.777 of 2013 in O.S.No.179 of 2010.

For Petitioner .. Mr.P.Gopiraja

**ORDER**

Challenging the fair and final order, dated 27.2.2014, passed in I.A.No.No.777 of 2013 in O.S.No.179 of 2010, on the file of the Principal District Judge, Cuddalore, the plaintiff has filed the above civil revision petition.

2. The petitioner herein/plaintiff has filed the suit, in O.S.No.179 of 2010, praying a decree for a sum of Rs.10,01,000/- towards damages for the physical and mental agony and loss of reputation caused to him. Since the plaintiff failed to appear before the trial Court on 02.09.2013, the trial Court dismissed the suit for default.

3. The plaintiff filed an application in I.A.No.777 of 2013 to restore the suit. By order dated 06.02.2014, the trial Court allowed the application on payment of cost of Rs.500/- to the defendant on or before 26.2.2014 and also made it clear that failure to make the payment within the stipulated date, would result in the dismissal of the petition.

4. On 27.2.2014 when the matter was called before the trial Court, there was no representation on behalf of the plaintiff and therefore, the trial Court had no other option except to dismiss the petition for want of cost. Challenging the order dated 27.2.2014, the plaintiff has filed the above civil revision petition.

5. Though the respondent was served with notice and his name is also printed in the cause list, none appeared for him.

6. The learned counsel appearing for the petitioner/plaintiff submitted that the plaintiff was not informed about the order dated 6.2.2014 passed by the trial Court and therefore, he could not pay the cost of Rs.500/- within the stipulated time. Further, the learned counsel submitted that the plaintiff is prepared to pay the cost amount by tomorrow.

7. In these circumstances, in the interest of justice, in order to give an opportunity to the petitioner/plaintiff, I am of the view that the petitioner can be granted some time for paying the cost amount. Accordingly, the order dated 27.2.2014 passed in I.A.No.777 of 2013 in O.S.No.179 of 2010 is set aside. The petitioner/plaintiff is granted a weeks' time from the date of receipt of a copy of this order to pay the cost amount of Rs.500/-(Rupees five hundred only) to the respondent.

8. With the above observation, the civil revision petition is allowed. No costs. Connected miscellaneous petition is closed.

21.07.2015

msk

**Note to Office:**

Issue copy of the order on 22.07.2015

To

The Principal District Judge, Cuddalore.

**M.DURAIWAMY,J.**

msk

2014

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