



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD).Nos.636 and 637 of 2015 (PD)

and

M.P. (MD).No.1 of 2015

Chellam ... Revision Petitioner in Both C.R.Ps
vs.

1.Maheswari

2.Kalamani

3.Manoharan

4.Sanjeevi

5.Balasumithra

6.Kalpana Devi

7.Tamilarasi

8.Savithri ... Respondents in Both C.R.Ps
(R2 to R8 Given up)

COMMON PRAYER: The Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.Nos.35 and 36 of 2015 in O.S.No.560 of 2010 by the Additional District Munsif Court, Karur dated 30.01.2015.

For Petitioner : Mr.D.Venkatesh

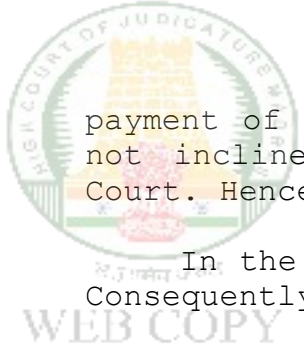
COMMON ORDER

I.A.No.36 of 2015 is filed for extension of time to deposit the cost awarded by the court.

2.The revision petitioner is the second defendant in the suit. The suit is filed for partition. When the evidence of both sides was over and it is posted for argument, the plaintiff wanted to reopen the case and wanted to mark certain document and filed I.A.No.916 of 2014 for that purpose. The said application was allowed on 25.11.2014 on payment of Rs.200/-. But due to unavoidable reasons, the plaintiff had not paid the said amount. Therefore, the application was closed without reference to the Court. Now, I.A.No.36 of 2015 is filed for setting aside the order dismissing I.A.No.916 of 2014 for default for non-payment of the cost.

3.Though the defendant opposed the same, it was allowed by the trial Court on condition that the plaintiff pays additional Rs.200/- as cost of the application in I.A.No.36 of 2015 and in addition to cost, already awarded viz., Rs.200/- and in all, the plaintiff was directed to pay Rs.400/- to the revision petitioner for allowing the said application and for such payment, the time was extended.

4.It is also represented that the costs awarded was deposited into the Court to the credit of O.S.No.560 of 2010 and as the application to extend the time for payment of the cost was allowed, the consequential order of recalling the evidence in I.A.No.1023 of 2014 was also restored. The said application to restore that was filed in I.A.No.35 of 2015 is only a consequential order. It is only the non-payment of the cost that was dismissed for default and the learned Additional District Munsif, Karur has thought it fit to condone the delay and extend the time for



payment of amount by exercising his discretion. Therefore, this Court is not inclined to interfere with the discretion exercised by the trial Court. Hence, the orders passed by the trial Court are confirmed.

In the result, the civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To
The Additional District
Munsif Court,
Karur.

+1cc to M/s.D.Venkatesh, Advocate in SR.No.15688

sm:15.04.2015:2P/3C

C.R.P. (MD) .Nos.636 and 637 of 2015(PD)
30.03.2015