

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2842 of 2015 &
M.P.No.1 of 2015

Chandrasekaran

... Petitioner

v.

S.Chinnaian

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 22.06.2015 made in I.A.No.294 of 2014 in unnumbered A.S.S.R.No.5588 of 2014 on the file of the Principal District Court, Thiruvallur.

For Petitioner : Mr.R.Thanjan

For Respondent : Mr.M.Chidambaram

O R D E R

The defendant in O.S.No.166 of 2011 on the file of Subordinate Court, Poonamallee has filed the above Civil Revision Petition, challenging the fair and final order passed in I.A.No.294 of 2014 in unnumbered A.S.S.R.No.5588 of 2014 on the file of Principal District Court, Thiruvallur, questioning the cost imposed by the Lower Appellate Court to the tune of Rs.25,000/- (Rupees twenty five thousand only) alone.

2. The respondent-plaintiff filed the Suit in O.S.No. 166 of 2011 for recovery of possession.

3. After contest, the Trial Court, decreed the suit on 30.04.2014.

4. Aggrieved over the judgment and decree passed in O.S.No.166 of 2011, the defendant preferred an appeal in A.S.S.R.No.5588 of 2014 with an application to condone the delay of 122 days in filing the appeal.

5. In the affidavit filed in support of the application, the defendant has stated that since the bundle was in the custody of his Advocate, he could not file the Appeal within the stipulated time.

6. The plaintiff filed his counter disputing the averments stated in the affidavit filed in support of the application.

7. The Lower Appellate Court, after taking into consideration the case of both the parties, allowed the application and directed the defendant to pay the arrears of rent, till date and produce the receipt on or before 14.07.2015 and also directed the defendant to pay a sum of Rs.25,000/- as costs.

8. Mr.R.Thanjan, learned counsel appearing for the petitioner submitted that the cost awarded by the Lower Appellate Court to the tune of Rs.25,000/- is very much on the higher side and it needs to be reduced.

9. Mr.M.Chidambaram, learned counsel appearing for the respondent fairly submitted that a reasonable amount can be fixed as the costs.

10. Having regard to the submissions made by the learned counsel on either side, I am of the view that the sum of Rs.25,000/- fixed as costs is on the higher side and the same can be reduced to a sum of Rs.10,000/-.

11. Accordingly, the order passed in I.A.No.294 of 2014 in unnumbered A.S.S.R.No.5588 of 2014 is modified by imposing a cost of Rs.10,000/- (Rupees ten thousand only) instead of Rs.25,000/- (Rupees

twenty five thousand only) fixed by the Lower Appellate Court. In other aspects, the order passed in I.A.No.294 of 2014 shall remain unaltered. The defendant is directed to pay the said sum of Rs.10,000/- (Rupees ten thousand only) to the respondent-plaintiff, within a period of one week from the date of receipt of a copy of this order.

With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

18.01.2016

Rj

To

The Principal District Court,
Thiruvallur.

M. DURAISWAMY,J.,

Rj

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