

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2586 of 2016

and

C.M.P.No.13329 of 2016

Rajagopal
S/o.Late Narasimman

... Petitioner

VS

Jagadha @ Jagadeeswari
W/o.Late Muruganandam

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Subordinate Judge, Ranipet, passed in I.A.No.65 of 2014 in O.S.No.152 of 2012 on 05.06.2015.

For Petitioner : Mr.T.Dhanyakumar

ORDER

This revision challenges the order of learned Subordinate Judge, Ranipet, passed in I.A.No.65 of 2014 in O.S.No.152 of 2012 on 05.06.2015.

2. O.S.No.152 of 2012 on the file of learned Subordinate Judge, Ranipet, is an action moved by respondent/plaintiff towards recovery of money. Petitioner/defendant moved I.A.No.446 of 2014 seeking recall of PW-1 for cross-examination. Such application was allowed under orders dated 07.01.2015 on condition that petitioner/defendant pays costs in a sum of Rs.500/- to respondent/plaintiff on or before 19.01.2015. The case was called on 20.01.2015 and since costs had not been paid as directed, I.A.No.446 of 2014 was dismissed on such date. Thereafter, petitioner moved I.A.No.65 of 2015 seeking extension of time to pay costs as directed in I.A.No.446 of 2014. Such petition was moved on 23.01.2015. After filing of counter thereto by respondent/plaintiff, I.A.No.65 of 2015 eventually came to be dismissed on 05.06.2015. There against, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. A perusal of the papers reveals that the petitioner has obtained a copy of the order dated 05.06.2015 on 21.07.2016, the application therefor before the Court below having been made on 17.06.2016. The present petition challenging such order dated 05.06.2015 and seeking an order of stay to boot, moved under Article 227 of the Constitution of India, is found to be a gross abuse of process.

Accordingly, this petition shall stand dismissed with costs in a sum of Rs.10,000/- (Rupees Ten Thousand only) payable to the Tamil Nadu Legal Services Authority within a period of two weeks from the date of receipt of this order. No costs. Connected miscellaneous petition is closed.

01.09.2016

Index:yes/no
Internet:yes
gm

To

- 1.The Subordinate Judge,
Ranipet.
- 2.The State Legal Services Authority,
High Court, Madras.

C.T.SELVAM, J

gm

Civil Revision Petition (PD) No.2586 of 2016

01.09.2016