

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **V. PARTHIBAN**

C.R.P.(PD)No.2109 of 2013

S. Krishnan

.... Petitioner

vs

1. Rajeswari
2. Raja @ Naveetham
3. K. Thilagavathi
4. Kaliyannan

.... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the Principal District Court at Namakkal dated 18.04.2013 in I.A.No.85 of 2013 in O.S.No.143 of 2012.

For petitioner : Mr.P.Valliappan

For respondents : No appearance

ORDER

This Civil Revision Petition is directed against the order passed by the learned trial Judge in I.A.No.85 of 2013 in O.S.No.143 of 2012, allowing the application filed by the petitioner/plaintiff, seeking permission for filing reply statement on payment of cost of Rs.250/-

towards cost payable to the respondents/defendants.

2. Heard the learned counsel appearing for the petitioner and perused the entire record.

3. According to the learned counsel for the petitioner, imposition of costs for allowing the application filed, seeking permission for filing the reply statement, was not called for in view of the following reasons viz.,

(i) that in the suit proceedings, written statement was filed by the 3rd defendant on 14.03.2012 and subsequently defendants 1 and 2 filed their written statement on 29.08.2012. Immediately thereafter, the petitioner has moved interlocutory application (I.A.85/2013) on 14.02.2013 seeking permission for filing reply statement and as such, there is no delay in filing the said application;

(iii) that the learned counsel for the respondents/defendants had admittedly made an endorsement in the said interlocutory application reporting that he had no objection for allowing the said application.

4. Therefore, the learned counsel would submit that in view of the above reasons, the learned trial Judge ought not to have

imposed costs of Rs.250/- for allowing the interlocutory application and therefore, the order passed by the learned trial Judge, imposing cost of Rs.250/- for allowing the interlocutory application was unnecessary and not warranted at all.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is of the view that imposition of costs of Rs.250/- payable to the respondents by the petitioner, is not called for as there was no delay in filing the interlocutory application seeking permission to file reply written statement and further, the learned counsel for the respondents/defendants made an endorsement as having no objection for allowing the interlocutory application.

In view of the same, the impugned order is set aside insofar as imposing costs of Rs.250/- payable to the respondents/defendants by the petitioner. Accordingly, the Civil Revision Petition is allowed. No costs.

Suk

17.10.2016

Index:yes/no
website:yes/no

To
The Principal District Court, Namakkal

V. PARTHIBAN,J.,

CRP(PD)No.2109 of 2013

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