

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) Nos.3364 and 3388 of 2016,
CMP Nos.17162 and 17261 of 2016

1.M.Subramanian
2.S.Parthiban
3.S.Ramesh

...Petitioners in both petitions

versus

1.Manickavelu
2.A.Sagunthala
3.Karpagam
4.Mohana
5.M.T.Sivagnanam
6.M.C.Balasubramanian

...Respondents in both petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and final orders passed in I.A.No.11816 and 11817 of 2016 in O.S.No.13745 of 2010 dated 6 September 2016 passed by the Honble XV Assistant City Civil Judge, Chennai.

For Petitioners : Mr.K.P.Chandrasekaran

For Respondents : Mr.S.Srinivasan

ORDER

The interlocutory applications filed by the petitioner to re-open the case and recall P.W.1 for cross examination were allowed by the

learned XV Assistant Judge, City Civil Court, Chennai, on costs. The petitioners are liable to pay a sum of Rs.6,000/- towards costs totally. The orders are under challenge only on the ground that for adjourning the matter by one day, the Trial Court imposed such a huge amount by way of costs.

2. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondents.

3. The Trial Court allowed the applications with a direction to the petitioners to pay cost. In order to impose cost, the Trial Court observed that the facts and circumstances of the case was considered. However, there is nothing on record to show that the petitioners have been instrumental in prolonging the matter. I am therefore of the view that the orders directing the petitioners to pay cost requires to be set aside.

4. In the result, the orders, dated 6 September 2016 are set aside, in so far as imposition of cost is concerned.

5. The learned XV Assistant Judge, City Civil Court, Chennai is directed to dispose of the original suit in O.S.No.13745 of 2010 as expeditiously as possible, and in any case, on or before 31 March 2017.

6. The Civil Revision Petitions are allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2016

Index : Yes/No
svki

To

The XV Assistant Judge,
City Civil Court, Chennai

K.K.SASIDHARAN,J.

(svki)

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