

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM:

THE HON'BLE **MS. JUSTICE R.MALA**

C.R.P.(PD).No.2823 of 2013

and

M.P.No.1 of 2013

S.Rangasamy
S/o.Sriraman

.. Petitioner/Petitioner

Vs.

K.Ramesh
S/o.Kannan

.. Respondent/Respondent

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 09.11.2012 made in I.A.No.150 of 2012 in O.S.No.198 of 2009 on the file of the I Additional Subordinate Court, Salem.

For Petitioner : Mr.K.T.S.Sivakumar

ORDER

Heard the learned counsel appearing for the revision petitioner.

2. The present Civil Revision Petition has been filed challenging the impugned order dated 09.11.2012 made in I.A.No.150 of 2012 in O.S.No.198 of 2009, wherein the application filed under Order 18 Rule 17 CPC to reopen the defendant side case came to be allowed on payment of costs.

3. When the matter came up before the Court on 23.09.2014, a report was called for from the learned I Additional Subordinate Court, Salem, to ascertain whether the said suit in O.S.No.198 of 2009 is disposed of. A report was received from the learned I Additional Subordinate Judge, Salem, wherein it was specifically stated that the application filed by the defendant in I.A.No.150 of 2012 to reopen the case was allowed on 09.11.2012 on payment of cost of Rs.750/- on or before 23.11.2012. Further, it was stated that since the defendant had not paid the costs, the petition in I.A.No.150 of 2012 was dismissed for non-payment of costs.

4. In view of the above stated position, recording the report received from the learned I Additional Subordinate Court, Salem, the present Civil Revision Petition stands dismissed as infructuous. However, the learned learned I Additional Subordinate Judge, Salem is directed to dispose of the suit in O.S.No.198 of 2009 within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

06.01.2016

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To

The learned I Additional Subordinate Judge,
Salem

R.MALA, J.

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