

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3176 of 2017

Giri

..Petitioner

Vs.

1. Kannan

2. Velmurugan

3. Elangovan

4. Bakkiyaraj

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 19.12.2016 made I.A.No.314 of 2016 in Unnumbered O.S.No....of 2016 on the file of Principal District Court, Villupuram by allowing this Civil Revision Petition.

For petitioner : Mr.G.V.Seethalakshmi

For Respondents: No appearance for R1

ORDER

According to the learned counsel for the petitioner, the petitioner has filed a suit in unnumbered O.S.No... of 2016. In the aforesaid suit, the revision petitioner has filed an application in I.A.No.314 of 2016 before the Court below praying time for payment of deficit court fee and the same was allowed on 14.12.2016 directing the plaintiff to pay deficit court fee, and also issue challan to facilitate the payment of Court fee. Without affording any breathing time, on 19.12.2016, the suit was rejected for the reason that petitioner has not paid the said deficit court fee and also not filed the Lodgement schedule. Challenging the above said docket order, the petitioner has filed the Civil Revision Petition before this court.

2. According to the learned counsel for the petitioner, notice has been served on the first respondent, but none appeared. Private notice has not been served to the second and third respondents. Notice has been sent to the fourth respondent and the same has been returned as refused. Therefore, even though notice has been served to R1 and R4, none appeared.

3. Therefore, the present Civil Revision Petition has been filed challenging direction to pay the deficit Court fee only. Hence, appearance of the respondents is not required to decide the issue.

4. On a perusal of the records, it is seen that the Court below has rejected the application by stating that the petitioner has not complied with the conditional order.

5. The learned counsel for the petitioner would submit that if time is granted, the deficit Court fee will be paid within a reasonable time.

6. In the light of the above submission made by the learned counsel for the petitioner, the following orders are passed.

1. Order dated 19.12.2016 passed in I.A.No.314 of 2016 in unnumbered O.S.No.... of 2016 is set aside.

2. The petitioner is directed to comply with the order dated 14.12.2016 within a period of four weeks from the date of receipt of copy of this order, failing which the above order shall stand dismissed.

7. The Civil Revision Petition is disposed of with above directions. No costs.

13.11.2017

Speaking/Non-speaking order
Index : Yes/No
Internet: Yes/No

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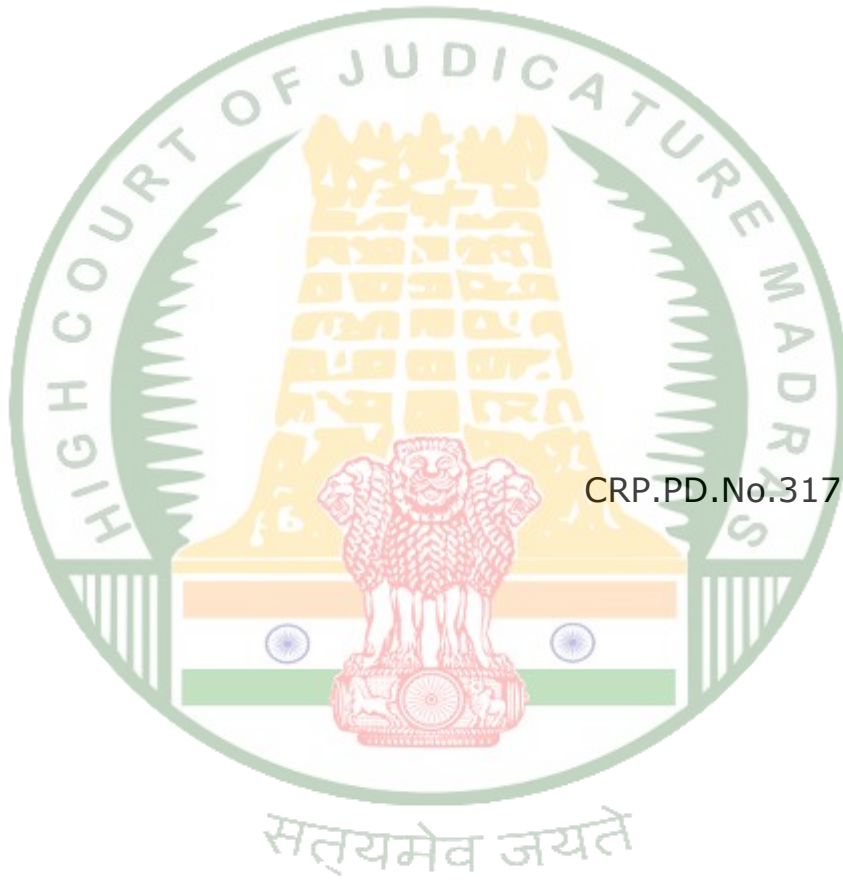
The Principal District Court,
Villupuram.



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D.KRISHNAKUMAR. J,

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