

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.P.D.No.35 of 2017  
and C.M.P.No.247 of 2017

1. V.Senthilkumar  
2. V.Balu

.. Petitioners

-Vs.-

1. M.Gopal Gounder  
2. G.Mariappan

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 26.07.2016 made in I.A.No.666 of 2016 in O.S.No.265 of 2012 on the file of the Principal District Munsif, Tindivanam.

For petitioner ... Mr.R.Agilesh

O R D E R

The Revision is directed against the order allowing an application under Order 9 Rule 7 C.P.C setting aside the ex-parte order.

2. P.W.1 was examined in chief and suit was posted for cross examination of P.W.1 by the defendants. It is pointed out by the learned counsel for the petitioners that, for the same reason, it had been adjourned from October 2015, granting several opportunities to the defendants. However, the defendants deliberately stayed away and did not cross examine P.W.1 and therefore on 15.03.2016, an ex-parte decree was passed against the defendants. Hence, the application was filed by the defendants for setting aside the ex-parte decree.

3. The said application was filed on 04.04.2016. However, for the inconvenience caused to the plaintiffs due to the attitude of the defendants, the trial Court had awarded a sum of Rs.850/- (Rupees eight hundred and fifty only) as costs, which was directed to be paid on or before 08.08.2016. The learned counsel for the petitioners also pointed out that the defendants' counsel offered to pay the amount, but they refused to receive it. Therefore, the due compliance was recorded. The revision filed challenging the allowing of the said application was lacking on merits. As the defendants have not paid money to the plaintiffs, the said sum of Rs.850/- (Rupees eight hundred and fifty only) shall be paid

by the defendants to the Legal Aid Centre, Tindivanam.

4. With the above observations and direction, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

srn

12.01.2017

To

The Principal District Munsif,  
Tindivanam.

**PUSHPA SATHYANARAYANA.J**

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