

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (NPD) No. 4135 of 2017

in

CMP No. 19382 of 2017

R.Rajalakshmi

.. Petitioner

Vs

Vediyan

.. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and final order passed in E.A.No.176 of 2016 in E.A.No.118 of 2015 in E.P.No.23 of 2010 in O.S.No.33 of 2006 on the file of the Sub Court, Mannargudi dated 15.03.2017.

For Petitioner : Mr. A.Sundaravadhanan

ORDER

This Civil Revision Petition arises against the final order dated 15.03.2017 passed in E.A.No.176 of 2016 in E.A.No.118 of 2015 in E.P.No.23 of 2010 in O.S.No.33 of 2006, by the Sub Court, Mannargudi.

2. The learned counsel for the petitioner would submit that the respondent has filed a suit for recovery of money. Pending suit, the petitioner's husband, who was the defendant in the suit died and the petitioner was impleaded as the 3rd defendant. Against the execution proceedings initiated by the respondent, the petitioner filed E.A. No.118 of 2016 and the same was dismissed for default. Hence, the petitioner filed another E.A. No.176 of 2016 for restoration. The court below allowed the said application, with cost. But, the petitioner failed to pay the cost and hence the said application was dismissed. Aggrieved by the same, the petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner fairly submitted before this Court that the petitioner has filed this revision, without filing an application for extension of time to pay the cost. However, requested this Court to grant liberty to file an appropriate application before the court below.

4. In view of the above submission, this Court is not inclined to entertain the present Revision petition. However, liberty is granted to

the petitioner to file an appropriate application, before the trial Court, under the provisions of law, within a period of three weeks from the date of receipt of a copy of this order.

5. With the above observation, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

13.11.2017

Index: Yes / No

Speaking order/ Non speaking order

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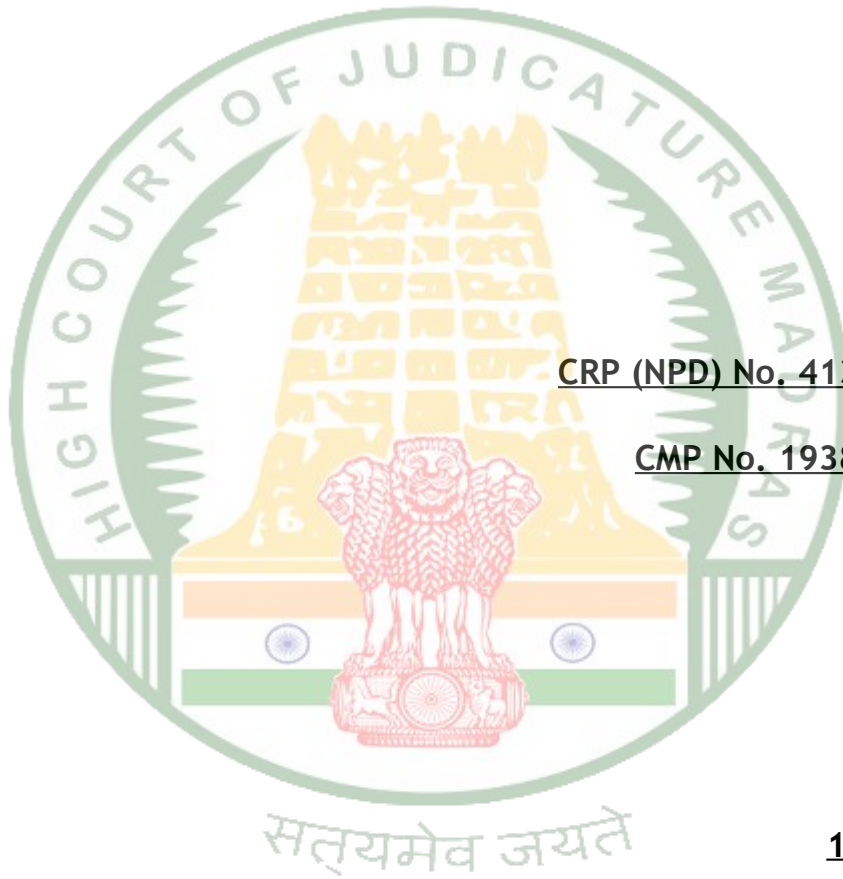
To

The Sub Court,
Manargudi

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D. KRISHNAKUMAR J.,

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