

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.915 of 2017
and C.M.P.No.4566 of 2017

1.Royal Maritime Engineering Corporation Limited
C/o S.Rama Subbu & Co.,
Old No.84/2, Moore Street,
1st Floor, Chennai - 600 001.

2.R.Jayaraman

... Petitioners

Vs.

1.Madras Fertilizer Limited,
Post Box No.2,
Manali, Chennai - 600 068.

2.Joint General Manager (JGM),
Engineering and Maintenance,
Madras Fertilizer Limited,
Manali, Chennai - 600 068.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 19.01.2017 made in I.A.No.134 of 2015 in O.S.No.6501 of 2015 on the file of the XV Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.David Tyagaraj

ORDER

Challenging the order passed in I.A.No.134 of 2015 in O.S.No.6501 of 2015 on the file of the XV Additional Judge, City Civil Court, Chennai, the plaintiffs have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.6501 of 2015 (originally filed as C.S.No.585 of 2006) for recovery of a sum of Rs.10,45,783.36p together with interest.

3.Since the defendants failed to appear before the trial Court, they were set exparte and a partial decree was passed on 21.03.2016. Thereafter, the defendants filed an application in I.A.No.64 of 2016 to condone the delay of six days in filing the petition to set aside the partial decree dated 21.03.2016. The trial Court allowed the petition. Subsequently, in the application in I.A.No.134 of 2016 filed under Order 9 rule 13 of the Civil Procedure Code, the trial Court allowed the application on payment of costs of Rs.1,500/- payable by the defendants to the plaintiffs on or before 18.01.2017. Thereafter, by order dated 19.01.2017, the trial Court extended the time from 18.01.2017 to 19.01.2017 for the reason that there are number of holidays in between the date of order and 18.01.2017.

4.The learned counsel appearing for the petitioners also submitted

that the defendants have deposited the sum of Rs.1,500/- to the credit of the suit pursuant to the order dated 19.01.2017.

5.Since the trial Court has given the reasons for extending the time by one day for paying the costs of Rs.1,500/-, I do not find any reason to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed.

6.The petitioners/plaintiffs are permitted to withdraw the costs amount of Rs.1,500/- paid by the defendants to the credit of the suit. Since the suit is pending from the year 2006, I direct the XV Additional Judge, City Civil Court, Chennai, to dispose of the suit in O.S.No.6501 of 2015, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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14.03.2017

Note: Issue order copy on 16.03.2017.

M.DURAI SWAMY, J.
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To

The XV Additional Judge,
City Civil Court, Chennai.

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<http://www.judis.nic.in>