



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Thirtieth day of November Two Thousand and Seventeen

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.10092 of 2017
IN
CRP(MD) No.1356 of 2017

M.MOORTHY

... PETITIONER/PETITIONER

Vs

M.NOORJESMI

... RESPONDENT/RESPONDENT

REP. BY HER POWER OF ATTORNEY,
S.LIAQUATT ALI

PRAYER IN CMP(MD) .10092/2017:

This Miscellaneous Petition is filed under Section 151 of C.P.C to modify the order dated 01/08/2017 passed in CRP(MD).No.1356 of 2017.

PRAYER IN CRP(MD) . 1356/ 2017 :

Civil Revision Petition is filed Under Article 227 of the Constitution of India to set aside the fair and decretal order passed in I.A.No.324 of 2016 in O.S.No.7 of 2014 on the file of District Judge, Sivagangai dated 16.03.2017.

ORDER: This Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.M.VISHNUVARTHANAN, Advocate for the petitioner, and Mr.P.THILAKKUMAR Advocate for the Respondent, the Court made the following Order:

The above revision petition has been filed to set aside the fair and decretal order dated 16.03.2017 passed in I.A.No.324 of 2016 in O.S.No.7 of 2014 on the file of the District Judge, Sivagangai.

2.The learned Judge by a detailed order dated 01.08.2017 allowed the CRP on condition that the revision petitioner shall pay a sum of Rs.10,000/- directly to the respondent/plaintiff within two weeks from the date of receipt of the order. Further, this Court also directed the revision petitioner to file necessary memo with reference to the compliance of the above said condition before the lower Court and on the revision petitioner doing the same, the Court below was directed to report the same to this Court. In the event of the revision petitioner not complying with the said condition



within the time stipulated by this Court, the Court made it clear that the revision petition shall stand automatically dismissed without any further reference to this Court.

3. Now, the petitioner has filed the present petition seeking to modify the aforesaid order dated 01.08.2017, stating that on receipt of the copy of the order, the other side indicated that there could be some amicable settlement. Hence, on the request of the counsel on either side, the lower Court has referred the matter for mediation. In view of that, the revision petitioner did not pay cost as directed by this Court in the order dated 01.08.2017 and since there was no settlement in the mediation, the petitioner paid the cost as per the order of this Court and interpreting the order of this Court that cost has to be paid within the time stipulated, the respondent refused to receive the same. Hence, the petitioner has filed the present petition seeking modification of the order.

4. Today, when the revision petition came up for hearing, learned counsel for the petitioner submitted that the petitioner has paid the cost of Rs.15,000/- as per the order of this Court dated 15.11.2017 and the learned counsel for the respondent also acknowledges the same. Therefore, the order dated 01.08.2017 made in CRP(MD)No.1356 of 2017 is given effect to. Considering the facts and circumstances of the case, the Court below is directed to dispose of the suit within a period of four months from the date of receipt of a copy of this order.

This Civil Miscellaneous Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CRL. SIDE)
/True Copy/

Sub Assistant Registrar

TO

THE DISTRICT JUDGE,
SIVAGANGAI.

+1cc to Mr.P.THILAKKUMAR Advocate in SR. No. 90505
BALA
JS/JC/SAR.4/18.12.2017/2P-3C

ORDER DATED:30/11/2017

ORDER

CMP(MD) No.10092 of 2017
IN
CRP(MD) No.1356 of 2017