

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.118 of 2018
and CMP.No.655 of 2018

Mathew

.. Petitioner

Vs

1.Rosamma

2.Thulasi @ Sahayamary

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.11.2017 made in IA.No.1242 of 2017 in OS.No.317 of 2011 on the file of the District Munsif Court, Sathyamangalam.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.S.Parthasarathy for R1

: No Appearance for R2

ORDER

According to the revision petitioner, the first respondent herein has filed an application in IA.No.1242 of 2017 in OS.No.317 of 2011 on the file of the District Munsif Court, Sathyamangalam to receive the reply statement in response to the additional written statement filed by the revision petitioner. The trial court allowed the application on terms. Challenging the aforesaid order, the revision petitioner has filed

the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has filed the additional written statement on 30.10.2017. Thereafter, the present application has been filed by the first respondent to receive the reply statement only for the purpose of protracting the trial. The court below has not considered the objection, by stating that application has been filed at the belated stage, that too after PW1 was cross examined and posted for defendant side evidence. Therefore, the order of the court below is liable to be set aside.

3. Per contra, the learned counsel for the first respondent would submit that the respondent has filed reply statement in response to the additional written statement filed by the revision petitioner. There is no delay in filing the aforesaid reply statement. Hence, the court below has allowed the application on terms.

4. At this stage, the learned counsel for the revision petitioner would submit that the first respondent has filed the instant

application at this stage of defendant side evidence. Therefore, heavy cost may be imposed against the respondents.

5. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent and perused the materials available on record.

6. The said contention of the revision petitioner for imposing heavy cost on the respondents has some reasonable force. Therefore, considering the facts and circumstances of the case, this Court is inclined to modify the order in so far the imposing the cost is concerned. In fine, this Court is inclined to pass the following orders.

(i) The order passed in IA.No.1242 of 2017 is modified by imposing cost of Rs.2,000/- (Rupees Two Thousand only) instead of Rs.500/- imposed by the court below. The remaining portion of the order remain stands.

(ii) If the aforesaid amount of Rs.500/- is not already paid, the amount of Rs.2,000/- shall be paid within a period of two weeks from

the date of receipt of a copy of this Order. (If Rs.500/- already paid, the same shall be deducted from Rs.2,000/-)

(ili) On instruction both parties shall cooperate for the disposal of the above suit.

(iv) Considering that the suit is of the year 2011, this Court is inclined to direct the District Munsif Court, Sathyamangalam to dispose of the suit in OS.No.317 of 2011 on merits and in accordance with law as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this Order.

7. The Civil Revision Petition is partly allowed with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

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22.03.2018

Speaking/Non-Speaking order

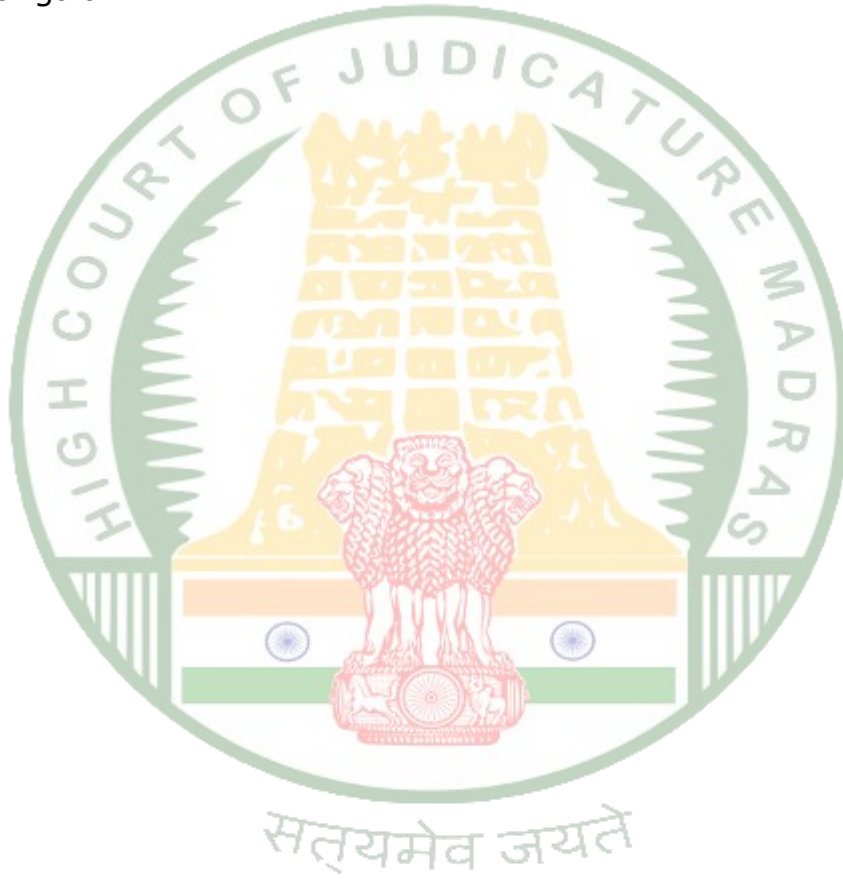
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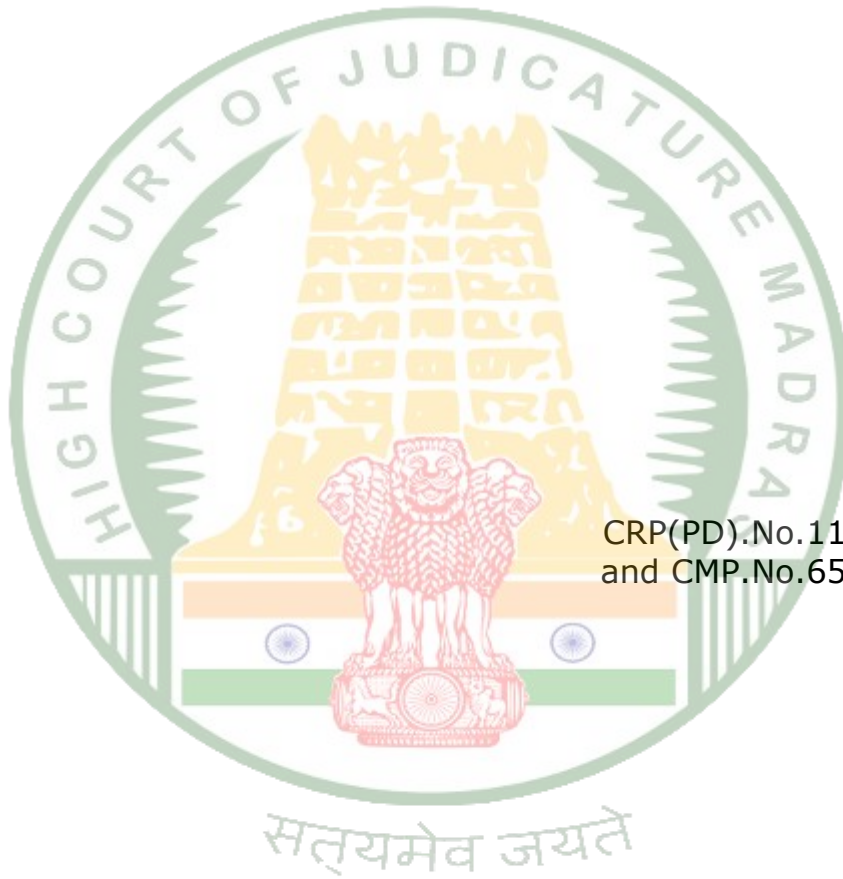
The District Munsif Court,
Sathyamangalam.



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D. KRISHNAKUMAR J.,

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