

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1191 of 2018
and C.M.P.No.6190 of 2018

1.Varadan
2.Thangakatti

... Petitioners

Vs.

Ananda Mudaliar

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif Judge of Madurantakkam to accept the cost and allow the I.A.No.1679 of 2017 in O.S.No.3 of 2017 and to conduct the trial in suit O.S.No.3 of 2017 before the District Munsif Court, Madurantakkam.

For Petitioners : Mr.A.E.Chelliah
for Mr.C.Saifullah
For Respondent : No appearance

ORDER

The relief sought for in this revision petition is to direct the Court of District Munsif, Madurantakkam to accept the cost by allowing the I.A.No.1679 of 2017 in O.S.No.3 of 2017 and to conduct the trial in the suit made in O.S.No.3 of 2017 on the file of the learned District Munsif, Madurantakkam.

2. The respondent filed a suit against the revision petitioners in O.S.No.3 of 2017 before the learned District Munsif, Madurantakkam for declaration and permanent injunction wherein the exparte order was passed by the trial Court.

3. Aggrieved against the said order dated 05.06.2017, revision petitioners filed an Interlocutory application under Order IX Rule 7 of C.P.C. in I.A.No.1679 of 2017 before the learned District Munsif, Madurantakam.

4. After hearing the arguments of both sides, the learned trial Judge, allowed the application with cost of Rs.500/- payable to the respondent within a stipulated time limit. But without complying the order passed by the trial Court, the revision petitioner is before this Court by way of this revision petition.

5. In the Interlocutory application, the petitioner counsel made an endorsement that no counter and the same may be allowed on cost, therefore considering the endorsement, the trial Court allowed the petition on payment of cost of Rs.500/-.

6. Heard the learned counsel for the petitioner and perused the materials on record.

7. On a perusal of the documents, based on the endorsement made by the counsel for the petitioner, the trial Court has imposed the cost of Rs.5,00/- there is no illegality or irregularity in the order passed by the trial Court and there is no valid reason to interfere with the order passed by the trial court.

8. However, in the interest of justice, in order to give opportunity to the petitioner, the trial Court can extend the time, thereby, directing the revision petitioner to pay the cost amount of Rs.500/- to the respondent and on such payment, the trial Court is directed to give an opportunity to the petitioner only to argue the matter and dispose of it on merits and in accordance with law.

9. With the above direction, this Civil Revision petition is dismissed.

Consequently, connected Miscellaneous petition is closed. No costs.

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Index:Yes/No

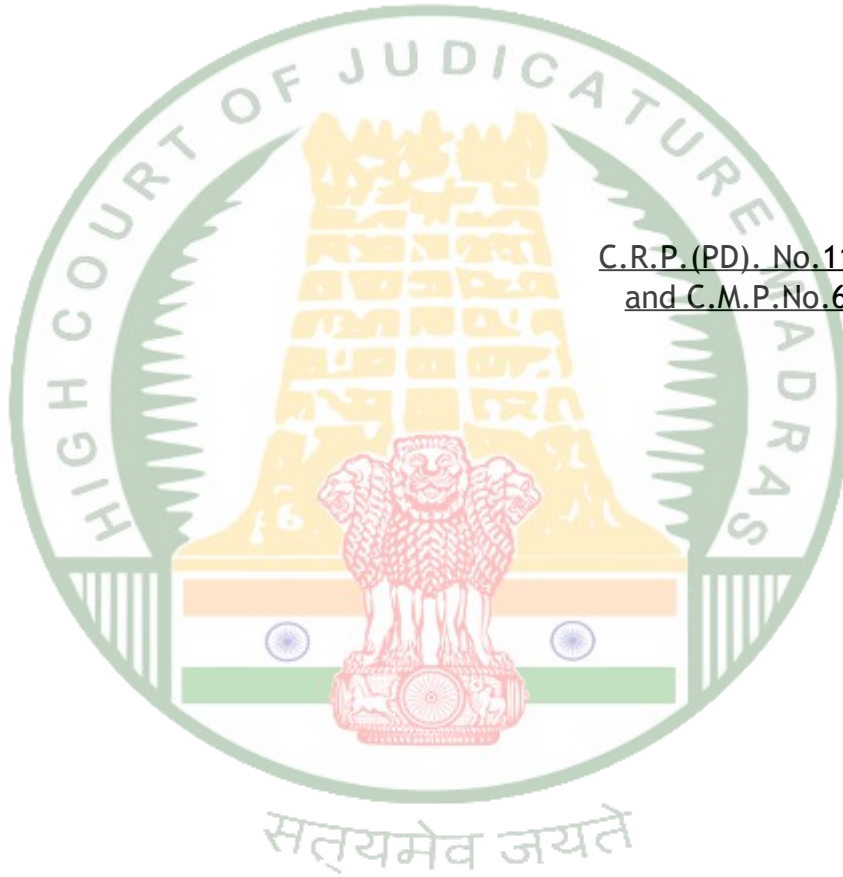
Speaking order / Non speaking order

vum

P.VELMURUGAN, J.,

vum

To
The District Munsif,
Madurantakkam



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