

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD).No.719 of 2018

M.Ekambaram

.. Petitioner

Vs

S.Seshadri

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 30.11.2017 passed in OS.No.214 of 2017 on the file of the III Additional District and Sessions Judge, Poonamallee.

For Petitioner : Mr.P.Mohanraj

ORDER

According to the revision petitioner, the revision petitioner / the plaintiff has filed an application in IA.No.430 of 2017 in OS.No.214 of 2017 seeking time for payment of court fee and the same was ordered on 01.11.2017 by granting three weeks' time. The revision petitioner could not comply with the above order in time. Hence, the court below, by docket order, has rejected the plaint on 30.11.2017 for non-payment of

deficit court fee. Against the said docket 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 could not comply with the order dated 01.11.2017 within the three weeks' time. But, the same has been complied with after the stipulated time. Without giving an opportunity to the revision petitioner, the court below has rejected the plaint. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. Considering that the aforesaid fact was not placed before the court below by filing an appropriate application, without expressing any opinion on merits, this Court is not inclined to entertain the Civil Revision Petition at this stage. However, it is open to the revision petitioner to file an appropriate application before the court below. If any such application is filed by the revision petitioner, the III Additional District and Sessions Judge, Poonamallee shall consider the same on merits and pass appropriate orders.

4. The Civil Revision Petition is dismissed with above direction. No costs.

27.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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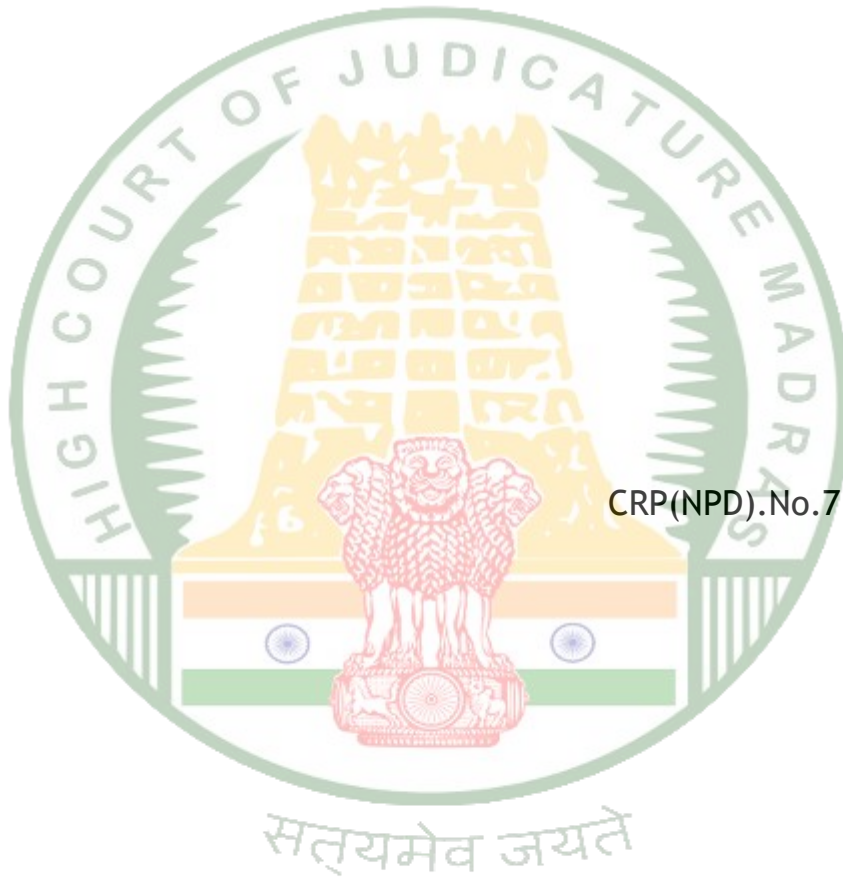
The III Additional District and Sessions Judge,
Poonamallee.



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D. KRISHNAKUMAR J.,

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