

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 16.3.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.829 of 2018 & 835 of 2018
and C.M.P.No.4560 & 4613 of 2018

- 1 I.N.Khader Ismail
- 2 I.N.Mohammed Ansari
- 3 I.N.Mohammed Gani

... Petitioners/Plaintiffs
in both CRPs.

Vs

S. Natarajan (Deceased)

- 1 S.N.Sadasivam
- 2 S.N.Subbarayan
- N.Chandralekha (Deceased)
- 3 K.P.S.Kamal Basha
- 4 K.P.S.Mohd. Mustafa
- 5 K.P.S.Shahu Hameed
- 6 S.N.Pushpalatha

.. Respondents/Defendants
in both CRPs.

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This Civil Revision Petition is filed under section 227 of Constitution of India against the fair and decreetal order, dated 23.02.2018 made in I.A.No.50 of 2018 in O.S.No.2461 of 2011 on the file of the XV Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.Rajnish Pathiyil
in both CRPs.
For Respondents 3 to 5 : Mr.S.balasubramaniam
in both CRPs.

COMMON ORDER

According to the petitioners, the respondents 3 to 5 have filed applications in I.A.No.50 and 51 of 2018 to reopen the evidence of D.W.1 and to recall D.W.1 for further cross examination. The court below allowed these applications, however on payment of cost of Rs.50,000/- payable to the Tamil Nadu Mediation & conciliation Centre, High Court Campus, Chennai. The learned counsel for the petitioner confined his arguments only in respect of the heavy cost imposed by the court below.

2 According to the petitioners, for allowing the recall applications, the court below instead imposing reasonable cost, imposed heavy cost which is burden to the petitioners/ plaintiffs. The present application is filed to reopen the evidence of D.W.1 to produce vital documents before the trial court which are necessary to decide the suit. Therefore, the learned counsel for the petitioners seek reduction of cost imposed by the court below.

3 The learned counsel for the respondents 3 to 5 vehemently opposed for granting any indulgence to the petitioners however, submits that this Court may pass appropriate orders.

4 In the facts and circumstances of the case and in view of the submissions made by the counsel for both side, it would be fair and reasonable to impose cost of Rs.5,000/- payable to the Tamilnadu Mediation and Conciliation Centre, High Court Campus, Chennai.

5 In the light of the above, the cost of Rs.50,000/- imposed by the court below is modified to Rs.5,000/- payable to the Tamilnadu Mediation & Conciliation Centre, High Court Campus, Chennai.

Accordingly, the Civil revision petitions are allowed with the above modification. No costs. Connected miscellaneous petitions are closed.

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16.03.2018

Speaking/Non Speaking Order

Index: Yes/No

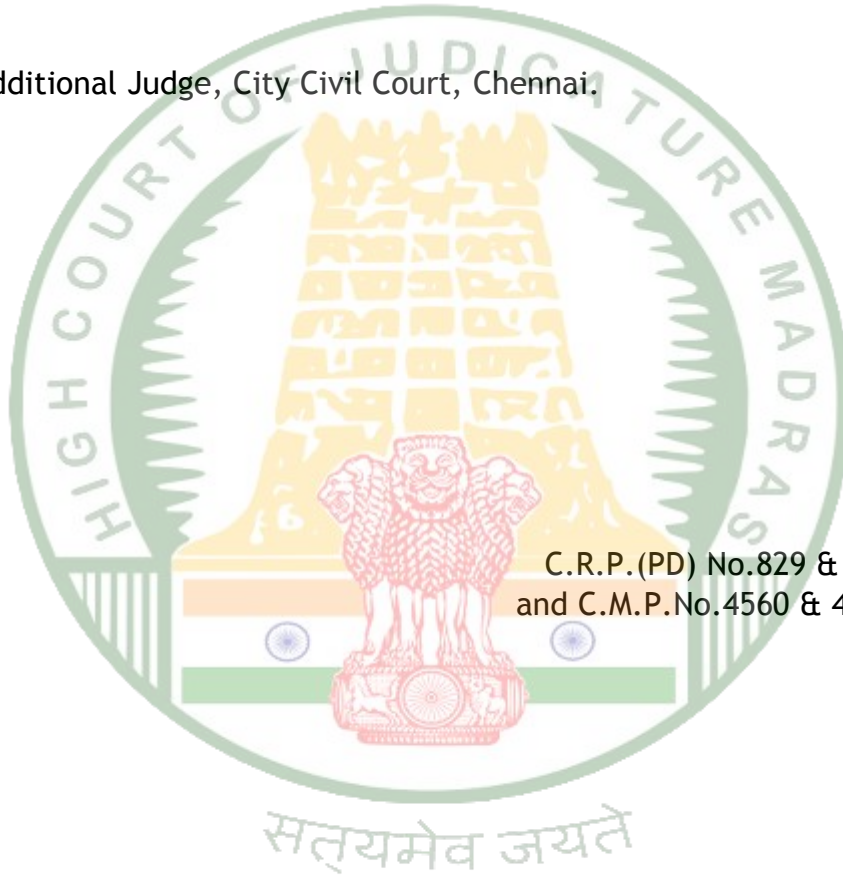
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D.KRISHNAKUMAR,J.

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To

The XV Additional Judge, City Civil Court, Chennai.



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Dated: 16.3.2018