

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.830 of 2018
and CMP.No.4567 of 2018

1.K.J.Sankari
2.N.Anandan
3.S.Jayanthi
(petitioners 2 and 3 represented herein
by their Power of Attorney Holder
Shri.N.Sadanandam
No.1, Cheyur Parthasarathy Street,
Paddy Field Road,
Perambur,
Chennai 600 011.

[Cause title accepted vide court order dated
16/02/2018 made in CMP.No.1569/2018
in CRP.SR4288/2018 (DKKJ)]

.. Petitioners

Vs

Anthony Harry

.. Respondent

PRAYER

Civil Revision Petition filed under Section 115 of the Civil
Procedure Code to set aside the Judgment and Decreetal Order dated
04.12.2017 in I.A.No.1218 of 2016 in O.S.No.181 of 2015 on the file of
the District Munsif Court, Thiruvotiyur.

For Petitioners : Mr.N.Karthikeyan

ORDER

The revision petitioners have challenged order passed in IA.No.1218 of 2016 dated 04.12.2017 in the Civil Revision Petition. According to the revision petitioners, the revision petitioners herein were set ex-parte on 14.09.2016 at the stage of cross examination of PW1. After came to know the ex-parte order, the revision petitioners filed an application IA.No.1218 of 2016 in the aforesaid application to set aside the exparte order dated 14.09.2016. The aforesaid application was finally posted on 23.11.2017. On 23.11.2017, the application was allowed on payment of cost. Thereafter, the petitioners counsel came to know the aforesaid order only on 04.12.2017 adjudication found in the website. Therefore, the petitioners counsel was not aware of the order dated 23.11.2017 and was unable to comply the order. Only due to the aforesaid error, the revision petitioners were not in a position to comply the conditional order passed by the court below. Therefore, the revision petitioners have filed the present Civil Revision Petition to extend the time to pay the cost before the court below.

2. Under Section 148 (a) of the Civil Procedure Code, there is

<http://www.judis.nic.in> a provision to file an application for extension of time for payment of

cost. Therefore, at this stage, this court is not inclined to entertain the Civil Revision Petition. However, liberty is granted to the revision petitioners to file an application before the District Munsif Court, Tiruvottiyur within one week from the date of receipt of a copy of this Order. In the event of the said application is filed within the time, the court below has to consider the same after providing an opportunity to the parties concerned on merits and in accordance with law.

3. The Civil Revision Petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs. The original impugned order has been filed before this Court. The Registry is directed to return the original order to the learned counsel for the revision petitioners after obtaining a xerox copy of the same.

सत्यमेव जयते

12.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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Note: Issue order copy on 14.03.2018

WEB COPY

D. KRISHNAKUMAR J.,

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To

The District Munsif Court,
Thiruvotiyur.



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