

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No.1717 of 2016

and

CMP. No.9146 of 2016

P.Ganesan

.. Petitioner

Vs

1.Kaakeda Palanisamy

2.Velusamy

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of Indian, to set aside the the order and decretal order dated 26.04.2016 made in I.A. No.428 of 2016 in I.A. No.942 of 2015 in O.S. No.561 of 2010 on the file of the Principal District Munsif Court, Namakkal.

For Petitioner :Mr.T.Dhanyakumar

For Respondents :Mr.N. Manokaran

ORDER

This Civil Revision Petition is filed against the dismissal order dated 26.04.2016 made in I.A. No.428 of 2016 in I.A. No.942 of 2015 in O.S. No.561 of 2010 on the file of the Principal District Munsif Court, Namakkal.

2.The learned counsel for the petitioner would submit that the petitioner has filed an application in I.A. No.942 of 2015 to receive the reply statement filed by the petitioner/plaintiff. The aforesaid application was allowed on payment of cost of Rs.2,000/- on or before 11.02.2016. The said conditional order has not been complied by the petitioner. The petitioner has filed the instant application in I.A. No.428 of 2016 under Section 148 of the Code of the Civil Procedure, to grant one week time for payment of the cost as directed by the Court below. The said application has been dismissed by the Court below. Hence, the revision petitioner has filed this petition before this Court.

3.The learned counsel for the respondents would submit that the petitioner has filed the aforesaid application only to drag on the proceedings. Therefore, the Court below rightly dismissed the said application as the petitioner is not entitled to get further extension of time to comply with the conditional order.

4.I have considered the submissions made by both the parties and on perusal of the materials available on record.

5. If the claim made by the petitioner for extension of time is granted, no prejudice would be caused to the respondents. At the same time, the petitioner shall not delay or prolong the proceedings without showing any bonafide reasons. The learned counsel for both the parties also undertakes to co-operate with the Court below for the early disposal of the suit.

1. The order passed by the Court below in I.A. No.428 of 2016 is set aside, directing the petitioner to comply with the conditional order dated 11.02.2016 in I.A. No.942 of 2015 within a period of two weeks from the date of receipt of a copy of this order, failing which the Civil Revision Petition stands automatically dismissed.

2. In the event of the order being complied within the stipulated time, the trial Court shall dispose of the suit in O.S. No. 561 of 2010 within a period of four months thereafter.

D. KRISHNAKUMAR J.,

RKP

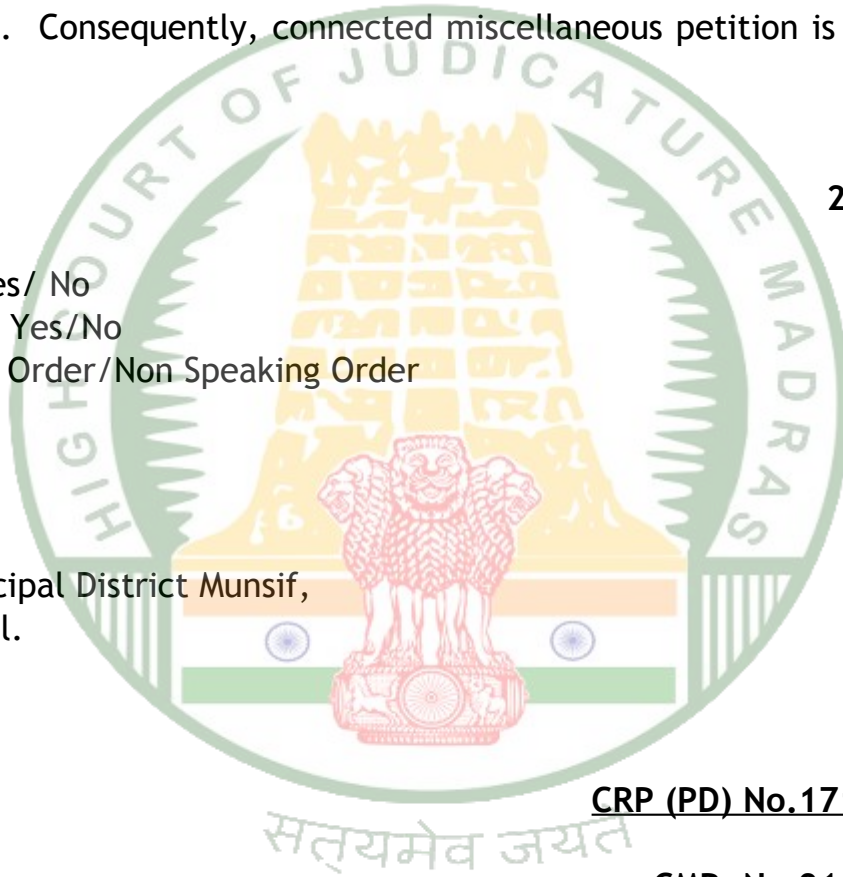
6.The Civil Revision Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

29.01.2018

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non Speaking Order
RKP

To

The Principal District Munsif,
Namakkal.



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