

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.NPD.No.313 of 2016
and CMP.No.1711 of 2016

- 1.Chandra Raju (deceased)
- 2.C.Dhakshayani
- 3.C.Baskar Raj
- 4.A.K.Bharathi
- 5.Sunitha
- 6.Minor Tanisha
- 7.Minor Prakul

Minors petitioners 6 & 7 represented
by guardian Mother Sunitha
Petitioners 2 to 7 brought on record as LR's
of the deceased sole petitioner viz,
Chandra Raju vide court order
dated 03.08.2017 made in CMP.Nos.12120
to 12122 of 2017 in CRP.Nos.313 of 2016
by MGRJ

..Petitioners

Vs.

- 1.P.Srinivasaraju
- 2.Manjula
- 3.Prabhavathy
- 4.Sarala
- 5.Sivananda
- 6.Vidhya

..Respondents

PRAYER:

Civil Revision Petition filed under Section 115 of the Civil
Procedure Code against the fair and decretal orders of the learned

Subordinate Judge of Hosur, Krishnagiri District dated 30.06.2015 in
IA.No.65 of 2014 in AS.No.17 of 2013.

For Petitioners : Mr.V.Nicholas

For Respondents : Mr.Guruprasad for
Mr.R.Jayaprakash for R1 to R6

ORDER:

According to the revision petitioners, the revision petitioners have filed an appeal in AS.No.17 of 2013 before the Sub Court, Hosur against the order passed in OS.No.147 of 2002. In the aforesaid appeal, the respondents herein have filed an application in IA.No.65 of 2014 to file cross objection along with a petition to condone the delay of 342 days in filing the above cross objection. The aforesaid application was allowed by the court below. Challenging the aforesaid order, the revision petitioners have filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioners would submit that there is an inordinate delay in filing the cross objection. But the court below has erroneously allowed the application. Hence, the order of the court below is liable to be set aside.

3. The learned counsel for the respondents would submit that the respondents have stated sufficient reasons for filing the condone delay application and the court below satisfied the reasons and condoned the delay. Therefore, there is no warrant to interfere with the orders passed by the court below.

4. Heard the learned counsel for the revision petitioners and the learned counsel for the respondents and perused the materials available on record.

5. A perusal of records would show that the court below has considered the reasons stated in the affidavit and satisfied the sufficient cause for condoning the delay. The court below while allowing the application has also imposed a cost of Rs.500/-. The fact remains that pursuant to the order passed by the court below, the application for filing cross objection has been numbered. The revision petitioner has disputed the cost amount.

6. In view of the above said facts and the respondents have shown sufficient cause for condoning the delay. However, taking into consideration of the inordinate delay, this Court is inclined to impose further cost of Rs.2,000/- to the respondents.

7. Hence, the order of the court below is modified to the extent that the respondents shall pay a further sum of Rs.2,000/- (Rupees Two Thousand only) to the revision petitioners through the learned counsel for the revision petitioners within the period of two weeks from today. Further, there is no objection by the respondents to allow the LR petition.

8. Thus, the Civil Revision Petition is partly allowed. Consequently, the connected miscellaneous petition is closed. No costs.

9. Post the Civil Revision Petition for compliance on 07.02.2018

25.01.2018

Speaking/Non-speaking order

Index : Yes/No

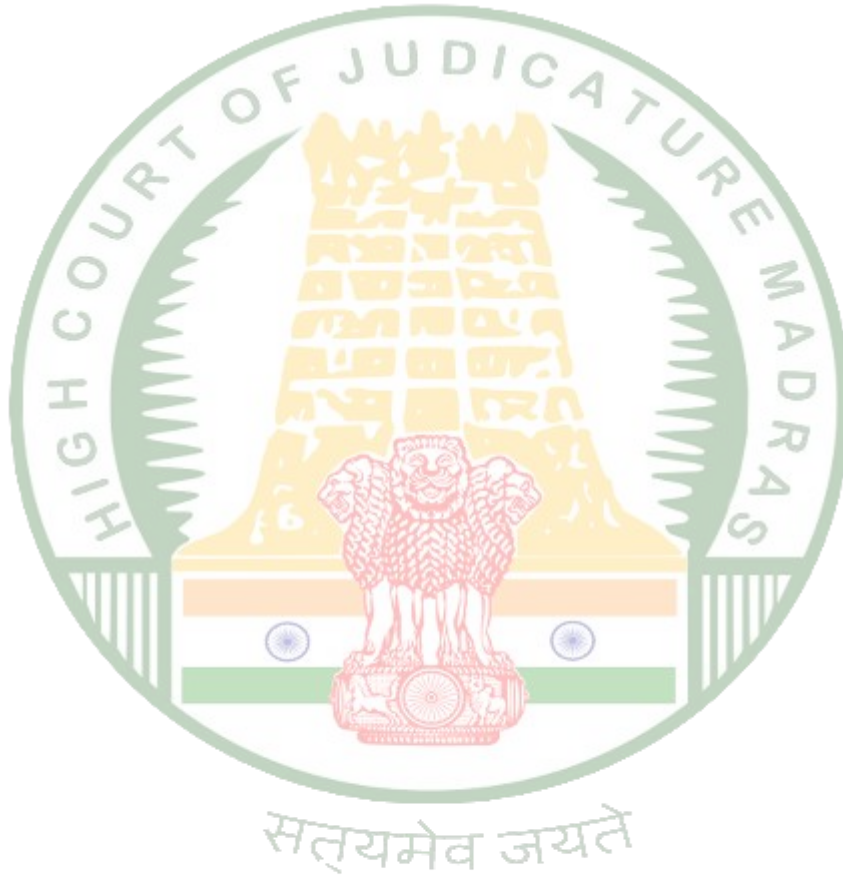
Internet : Yes/No

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Note: Issue order copy on 06.02.2018

To

The learned Subordinate Judge of Hosur,
Krishnagiri District



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D.KRISHNAKUMAR. J,

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