

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 3178 of 2018

and

C.M.P. No. 18162 of 2018

Ramaswamy

...Petitioner

vs

Neela

...Respondent

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.102 of 2017 in I.A.No.109 of 2015 in O.S.No.72 of 2013 dated 05.07.2017 on the file of Sub-Court, Rasipuram.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.P.Mathivanan

ORDER

The order under challenge in the present revision petition is the rejection of the petitioner's application seeking for extension of time to pay the costs which were ordered in I.A.No.109 of 2015 in O.S.No.72 of 2013. When the petitioner had earlier filed the application to set aside the ex-parte decree as against him, the reason cited was that he was not made aware of the ex-

parte decree by the earlier counsel. The trial Court had accepted the reasoning and had allowed the application by imposing costs of Rs.1,500/-, which amount was not paid. Hence, he had made the above application seeking for extension of time for payment of costs on the ground that he had left the station to participate in a condolence of a relative at Vellore.

2. The learned counsel for the respondent opposed the said application stating that though in normal circumstances, certain objections will not be raised for any application of this kind, he would submit that preliminary decree was passed in 2014 and that the defendants have been delaying by protracting the proceedings. He also submitted that the defendants had filed applications of this similar nature and they are colluding together by protracting the final decree proceedings.

3. In my view, the Court has already taken a decision to set aside the ex-parte decree by imposing the condition, it would be appropriate to give one more opportunity for the purpose of complying with the condition and permitting the petitioner to pay the costs of Rs.1,500/-.

4. Nevertheless, taking note of the objections raised by the

respondent/plaintiff, I am of the view that if time is stipulated for completing the final decree proceedings, the ends of justice would be met.

5. In the light of the above observations, the petitioner is granted a time of one week from the date of receipt of a copy of this order, to comply with the condition imposed in the earlier order dated 15.02.2017 passed in I.A.No.109 of 2015 in O.S.No.72 of 2013. Thereafter, the learned Subordinate Judge, Rasipuram shall endeavour to dispose of the suit atleast within 6 months from the date of payment of costs.

6. In view of the fact that the suit was filed in the year 2013, the Civil Revision Petition stands disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

19.11.2018

Index:Yes/No

Speaking Order: Yes/No

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To
The Sub Court,
Rasipuram.

M.S.RAMESH, J.



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