

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 4031 of 2018

Corporation Bank,
Rep. by its Branch Manager,
Nallur Branch,
Vandavasi Taluk,
Tiruvannamalai District.

...Petitioner

Vs

1. M.Pachaiyammal
2. M.Ramesh
3. M.Suresh

...Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC to set aside the fair and decreetal order made in I.A.No.50 of 2018 in I.A.No.20 of 2018 in O.S.No.Nil of 2018 on the file of the learned Principal District Judge, Tiruvannamalai dated 29.08.2018.

For Petitioner : Mr.V.Prakash Babu

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ORDER

The only ground on which the petitioner's request for extension of time came to be rejected is the observation of the Trial Court that the Bank was unable to pay even a meager amount of Rs.250/-. It is seen that the

petitioner has assigned the reason for not paying the cost imposed within the stipulated time by stating that the order imposing the cost was received belatedly and that their counsel had also failed to inform the Bank about the conditional order in time.

2. When the trial Court is empowered under Section 148 of CPC to extend the time, the discretion ought to have been exercised by considering the reason given for the extension sought for and not rejecting the same on its own accord. Since the suit has been filed for recovery of money, the Trial Court ought to have taken a liberal approach and extended the time. In the absence of not considering the reasons given in the affidavit filed in support of the petitioner's application for extending the time, the present order may not proper.

3. It is also seen that though the defendants were served with a notice before the impugned order came to be passed, they had not chosen to appear before the Court and as such, this Court is of the view that the present Civil Revision Petition can be disposed of, without notice to the respondents and by increasing the cost.

4. Hence, the order dated 29.08.2018 made in I.A.No.50 of 2018 in I.A.No.20 of 2018 in O.S.No.Nil of 2018 on the file of the learned Principal District Judge, Tiruvannamalai, is set aside. Consequently, the petitioner is directed to pay a sum of Rs.2,500/- to the District Legal Service Authority, Tiruvannamalai District, within a period of 10 days from the date of receipt of copy of this order. On production of such proof of payment of the costs, the learned Principal District Judge, Tiruvannamalai shall instruct his Registry to number the suit, if it is otherwise in order.

4. Accordingly, the Civil Revision Petition stands ordered. No costs.

14.12.2018

Index:Yes/No

Speaking Order: Yes/No

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To

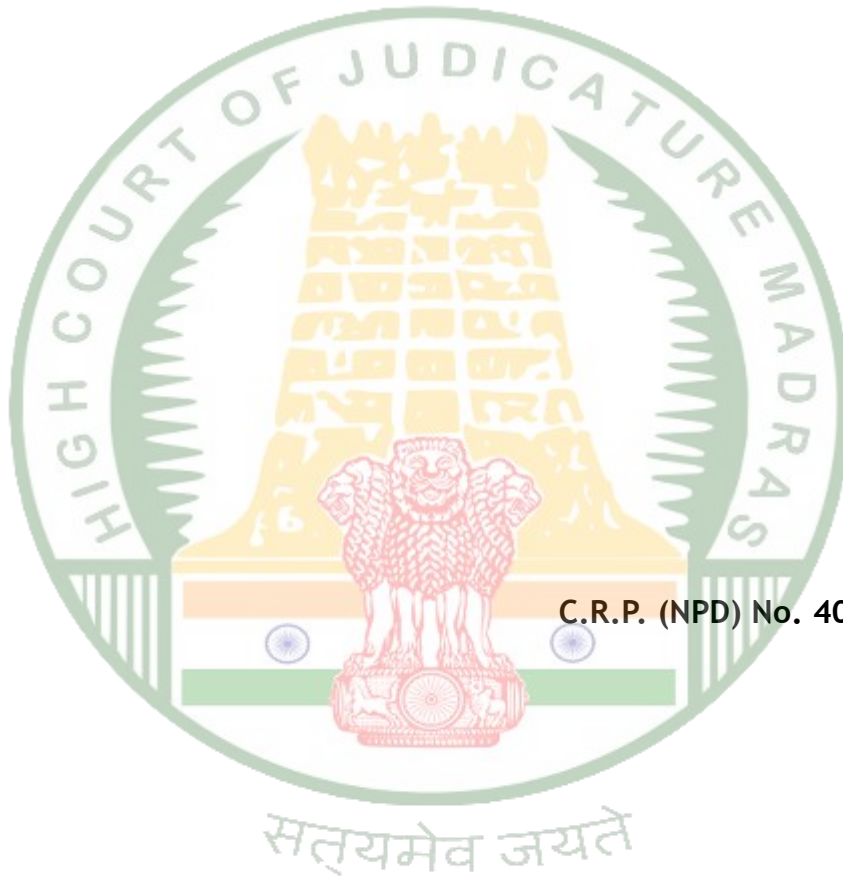
1. The Principal District Judge,
Tiruvannamalai.

2. Corporation Bank,
Rep. by its Branch Manager,
Nallur Branch,
Vandavasi Taluk, Tiruvannamalai District.

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M.S.RAMESH.,J

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