



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)Nos.1618 & 1619 of 2018 (PD)

and

CMP(MD)Nos.7140 & 7141 of 2018

1.N.Lakshmanan

2.N.Thangaraj ... Petitioners/Petitioners/Defendants 1 & 2
in CRP(MD)No.1618 of 2018

3.N.Arun ... Petitioner/Petitioner/3rd Defendant
in CRP(MD)No.1619 of 2018

Vs.

Chithra ... Respondent/Respondent/Plaintiff
in both CRPs

Common Prayer : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the petition and order passed in I.A No.595 of 2017 and 612 of 2017 in O.S No.350 of 2016 on the file of the Additional District Munsif, Thoothukudi dated 08.12.2017.

For Petitioners
in both cases : No appearance
For Respondent : Mr.Sathiya Chidambaram
in both cases

COMMON ORDER

The defendants 1 and 2 in O.S No.350 of 2016 on the file of the Additional District Munsif, Tuticorin are the revision petitioner in CRP(MD)No.1618 of 2018. The third defendant in the said suit is the revision petitioner in CRP(MD)No.1619 of 2018. The said suit was instituted by the respondent herein seeking the relief of declaration and partition. The revision petitioners were set exparte in the said suit. An exparte preliminary decree came to be passed. To set aside the same, the three defendants filed two sets of I.As. Both the I.As were allowed on payment of costs. Though the costs levied on them was nominal, the same



was remitted in the bank. As a result, both the I.As were came to be dismissed for non prosecution. Challenging the same, these civil revision petitions have been filed.

2.The learned counsel appearing for the respondent submitted that these civil revision petitions can be allowed on payment of costs. I am of the view that the revision petitioners have deliberately dragged on the proceedings. Therefore, they ought to be put on terms. Even while quashing the orders impugned in this civil revision petition, this court directs the revision petitioners herein to pay a sum of Rs.3,000/- each within a period of two weeks from the date of receipt of a copy of this order directly to the learned counsel representing the plaintiff before the court below. If the said amount is not paid within the above said period, the order allowing these revision petitions will stand automatically recalled and these civil revision petitions will stand dismissed.

3.The learned counsel for the revision petitioner is not present when the matter was taken up probably because the matter has been taken up at 05.08 P.M. The counsel for the respondent is directed to inform the revision petitioner's counsel in writing about the passing of this order. The orders impugned in these civil revision petitions are set aside. These civil revision petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Additional District Munsif, Thoothukudi.

+2 CC To MR.S.SATHYA CHIDAMBARAM, Advocate SR. NO. 87522 & 87523

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SKM

TR/SKN/SAR-III (13.11.2018) 2P 4C