



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.7182 of 2018

IN

REV.APLC(MD) No.60 of 2018

SUBANANDARAJ

... PETITIONER/PETITIONER

Vs

MANI

... RESPONDENT/RESPONDENT

Prayer in CMP(MD)No.7182/2018 IN REV.APLC(MD)No.60/2018:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner herein to deposit the cost amount of Rs.50,000/- ordered by this Honble Court on 21.06.2017 in C.M.P. (MD).No.3925 of 2018 in Rev.Appln.(MD).SR.No.51775 of 2018 to the credit of above Review Application in a separate account in Indian Bank, High Court Branch, Madurai, and thus render justice.

Prayer in REV.APLC(MD).60/2018 :

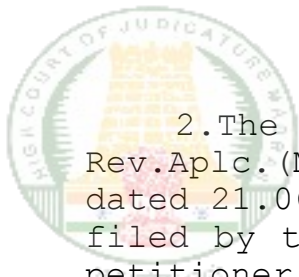
To review the Judgment and Decree passed by this Hon'ble Court in S.A.(MD)No.388 of 2013, dated 11.05.2016 and allow the present Review Application and thus render justict.

Prayer in SA(MD).388/2013 :

To set aside the Judgment and Decree dated 28.01.2013 passed in A.S.No.34 of 2011 on the file of the Subordinate Judge, Kuzhithurai, reversing the Judgment and Decree dated 14.12.2010 passed in O.S.No.527 of 2005 on the file of the II Additional District Munsif Court, Kuzhithurai, and allow the Second Appeal, and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.ANANDHAVALLI, Advocate for the petitioner and of MR.S.ANAND CHANDRASEKAR, Advocate for M/S.SARAVABHUMAN ASSOCIATES on behalf of the Respondent, the court made the following order:-

This petition has been filed to permit the petitioner herein to deposit the cost amount of Rs.50,000/- ordered by this Court earlier on 21.06.2017 in C.M.P.(MD) No.3925 of 2018 in Rev.Aplc (MD). No.SR51775 of 2018 to the credit of above review application in a separate account in Indian Bank, High Court Branch, Madurai.



2.The petitioner herein filed a review application in Rev.Applc.(MD)No.SR51775 of 2018 with delay. This Court by order dated 21.06.2018, allowed the petition in C.M.P.(MD) No.3925 of 2018 filed by the petitioner to condone the delay on condition that the petitioner should pay a sum of Rs.50,000/- towards cost to the respondent within a period of two weeks and the matter was posted to 05.07.2018 for reporting compliance.

3.It is stated that the learned counsel for the respondent refused to receive the amount. The cost of Rs. 50,000/- was tendered through demand draft by speed post on 28.06.2018. However, it is further stated that on 12.07.2018, the post with demand draft was returned with an endorsement "Door Locked".

4.In these circumstances, a memo was filed before this Court on 19.07.2018 about the return of demand draft.

5.It is stated by the learned counsel for the petitioner that the respondent wantonly evading to receive the cost amount. In such circumstances, the petitioner has come forward with this petition seeking permission to deposit the cost amount in a separate bank account or to the credit of Rev.Applc.(MD) No.60 of 2018.

6.The learned counsel appearing for the respondent requested the matter to be adjourned. When the learned counsel for the respondent submitted that the respondent was put a question whether his client or he is willing to accept the cost, the learned counsel appearing for the respondent insisted that the matter may be adjourned.

7.This Court on 21.06.2018, allowed the petition in C.M.P.(MD) No.3925 of 2018, to condone the delay on condition that the petitioner should pay a sum of Rs.50,000/- towards cost to the respondent within a period of two weeks and the cost was tendered through demand draft for a sum of Rs.50,000/- by speed post on 28.06.2018.

8.In such circumstances, no prejudice will be caused to any one if permission is granted to the petitioner to deposit the cost amount to the credit of Rev.Applc.(MD) No.60 of 2018.

9.Hence, this petition is ordered as prayed for and the petitioner is directed to deposit the cost of Rs.50,000/- as per the order of this Court dated 21.06.2018, to the credit of Rev.Applc.(MD) No.60 of 2018 in a separate bank account in Indian Bank, High Court Branch, Madurai.

sd/-
01/08/2018

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1 THE SUBORDINATE JUDGE, KUZHITHURAI,

2 THE II ADDITIONAL DISTRICT MUNSIF COURT,
KUZHITHURAI.

ORDER
IN
CMP (MD) No.7182 of 2018
IN
REV.APLC (MD) No.60 of 2018
Date :01/08/2018

PK/JC/SAR-4/20.08.2018 : 3P/3C