



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.11.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P (MD) No.2263 of 2018

and

C.M.P (MD) No.10176 of 2018

1) Karapettai Nadar High School,
Paripalana Sabai through its Secretary,
N.T.Selvaraj.

2) C.S.Rajendran,
Karapettai Nadar High School,
Paripalana Sabai through its President,
Tuticorin.

... Petitioners

vs.

1) P.Vinayagamoorthy

2) The Vadathisai Hindu Nadarguludaya
Thoothukudi Mahamai Dharma
Karapettai Paripalana Sangam,
Great Cotton Road, Thoothukudi,
Rep by its Secretary.

... Respondents

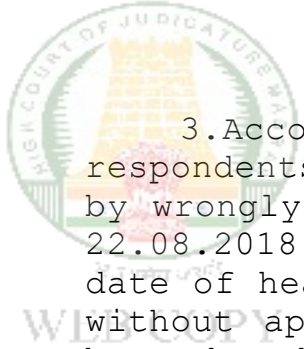
Petition filed under Article 227 of the Constitution of India, against the order passed by the learned Additional District Munsif, Thoothukudi, in I.A.No.77 of 2018 in O.S.No.348 of 2016 dated 05.09.2018.

For Petitioners : Mr.P.Pethu Rajesh
For Respondents : Mr.M.J.Shabu Jose
FOR M/S.ISSAC CHAMBERS

ORDER

The petitioners have filed this revision challenging the order passed by the learned Additional District Munsif, Thoothukudi, in I.A.No.77 of 2018 in O.S.No.348 of 2016 dated 05.09.2018.

2.The petitioners filed I.A.No.77 of 2018 which is an impleading petition. The respondents made an endorsement that the said petition may be allowed on terms. In view of such endorsement, the Court below allowed the impleading petition on condition to pay cost of Rs.200/- by the petitioners to each respondents on or before 23.08.2018.



3. According to the petitioners, when they approached the respondents' counsel with payment, he refused to receive the cost by wrongly interpreting the order that cost has to be paid before 22.08.2018. Therefore, the petitioners filed a memo on the next date of hearing narrating the said incident, but the learned Judge without appreciating the same, dismissed the impleading petition by order dated 05.09.2018 for not paying the cost in time as per the conditional order dated 26.07.2018.

4. Learned counsel for the respondents would state that the petitioners had not attempted to pay the cost to the respondents' counsel.

5. Be that as it may, to meet the ends of justice, one more opportunity is given to the petitioners. Hence, the order made in I.A.No.77 of 2018 in O.S.No.348 of 2016 dated 05.09.2018, is set aside. The petitioners shall pay cost of Rs.200/- as ordered by the Court below to the respondents within a week from the date of receipt of copy of this order, failing which, the impugned order dated 05.09.2018 will get revived automatically.

The Civil Revision Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

Additional District Munsif,
Thoothukudi.

+1 cc To Mr.P.Pethu Rajesh, ADVOCATE IN SR NO.97675

+1 cc To M/S.ISSAC CHAMBERS, ADVOCATE IN SR NO.97936

BALA

MK/KK/RSK/SAR 2/28.12.2018/2P/4C

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