

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.383 of 2009
and M.P.No.1 of 2009

1.V.Pichandi
2.P.Prabukumaran
3.Kaveri

Petitioners

versus

1.Alli Ammal
2.A.T.Sivam

Respondents

PRAYER: Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, against the fair and decreetal order dated 04.12.2008 made in I.A.No.23 of 2008 in A.S.No.____ of 2008 on the file of the learned Principal District Judge, Villupuram. सत्यमेव जयते

For Petitioners : Mr.N.Suresh
For Respondent No.1 : M/s.R.Meenal
For Respondent No.2 : Absent

ORDER

This Civil Revision Petition has been filed as against the order of the trial Court dated 04.12.2008, while allowing the Application to condone the delay in filing the appeal, as against the decree and judgment passed in O.S.No.162 of 2003.

2. The trial Court has considered the reasons and allowed the application filed for condonation of delay, subject to the payment of Rs.7,613.50 payable by the petitioners to the respondents on or before 11.12.2008 whereas, the petitioners have not paid the costs to the respondents. Though the revision petitioners were given an opportunity by paying the meager amount to file an appeal challenging the decree of the lower Court, the same not has not been complied with.

3. On perusal of the order of the trial Court in fact exercised its discretion in condoning the delay. Though the reasons were not properly explained for such delay, when the trial Court has rightly exercised its discretion in order to give an opportunity to the parties to agitate their rights by paying the costs but without complying the said order, again they challenged the such order in this Civil Revision Petition.

4. Admittedly, the costs is only Rs.7,613.50, if really the revision petitioners had an intention to challenge the decree, which has passed against them ought to have paid the amount but they have failed to do so. Hence, this Court does not find any infirmity in the order of the trial Court.

5. With these observations, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

26.02.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

sri

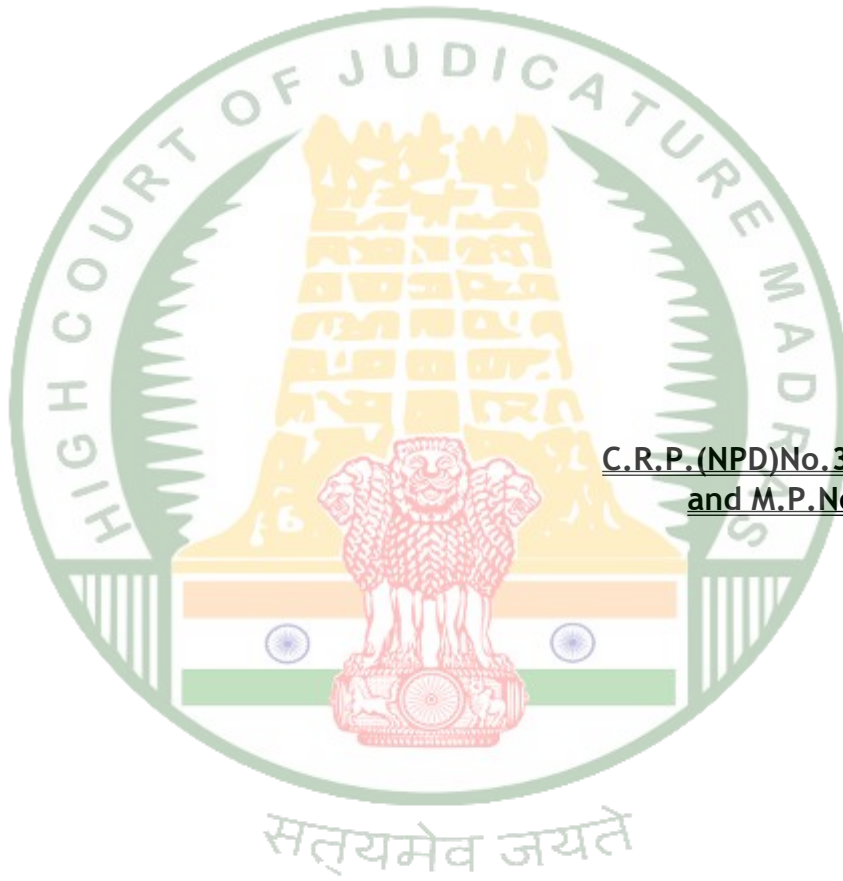
To

The Principal District Judge,
Villupuram.

सत्यमेव जयते

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N.SATHISH KUMAR, J.,
sri



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