

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

C.R.P(NPD).No. 121 of 2015

and

M.P. No. 1 of 2015

1.Pandiyan

2.Rani

... Petitioners

Vs.

Meena Ammal

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 17.11.2014 made in I.A.No.60 of 2014 in I.A.No.65 of 2013 in A.S.Nil of 2013 on the file of the learned Subordinate Judge, Ranipet, Vellore District.

For Petitioners : Ms.G.Jeremiah

For Respondent : Mr.K.Thangavelu

ORDER

The petitioners are the Judgment debtors, who suffered an adverse decree in O.S.No.143 of 2004 on 30.03.2011. Thereafter, an appeal along with a petition was filed under Section 41 of Rule 3 A (1) to condone a delay of 703 days in I.A.No.65 of 2013. This application was allowed by the Court subject to payment of cost of Rs.1000/-. However, the petitioners

failed to pay the cost. Therefore sought for extension of time in I.A.No.60 of 2014. There was a delay of three days in filing the said application.

2. The Subordinate Court, Ranipet, Vellore District has rejected the prayer for extension of time by its order dated 17.11.2014.

3. In these circumstances, the present Civil Revision Petition has been filed. On 21.01.2015, the petitioners had given an undertaking to deposit a sum of Rs.15,000/-, while granting Interim Order. The petitioners have however have not paid the aforesaid amount. The learned counsel for the petitioners undertakes to pay the amount to the credit of the unnumbered appeal.

4. The learned counsel for the respondent submits that the respondent is an old lady and therefore this Court should not show any indulgence as the petitioners have sought to file the appeal belatedly and failed to pay the cost that was ordered. Even the amount that undertaken to be paid by the petitioners before this Court on 21.01.2015, has not been paid and therefore no leniency should be shown to the petitioners.

5. Considering the over all facts and circumstances of the case, I am of the view that to meet the ends of justice, the petitioners should be directed to deposit a sum of Rs.20,000/- as cost within a period of four weeks from the date of receipt of a copy of this order before said Court.

6. On such deposit, the Subordinate Judge, Ranipet, Vellore District is directed to number the appeal and take up the appeal for final disposal. The appeal shall be disposed of within a period of six months from the date of receipt of a copy of this order. On such deposit, the respondent shall be entitled for receive the amount.

7. The present Civil Revision Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is also closed.

10.07.2019

arb

Index : Yes/No

Internet : Yes/No

C.SARAVANAN, J.

To

The Subordinate Judge,
Ranipet, Vellore District.



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