

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.851 of 2019
&
C.M.P.No.5536 of 2019

Balasubramaniam

...Petitioner

Vs

Jayalakshmi

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against fair and final order in I.A.No.978 of 2018 in O.S.No.99 of 2012 on the file of the Subordinate Court, Udumalpet dated 17.12.2018.

For Petitioner : M/s.J.Prithvi

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Udumalpet in I.A.No.978 of 2018 in O.S.No.99 of 2012 for enlarging the time for complying with the orders in I.A.No.405 of 2018 in O.S.No.99

of 2012. When the matter was posted for defendant's side evidence, he had not appeared and evidence was closed. Thereafter he had filed an application in I.A.No.196 of 2018, for reopening the evidence. The said application was allowed on payment of cost of Rs.3,000/- on or before 18.04.2018.

2.On 19.04.2014, the revision petitioner had filed I.A.No.405 of 2018 for enlarging the time for making the payment, once again the application was allowed on 11.09.2018, directing the revision petitioner to pay an additional cost of Rs.1,000/- on or before 24.09.2018. Once again on 25.09.2018 the present interlocutory application has been filed for enlarging the time for complying with the orders in I.A.No.405 of 2018. It is seen that this application was dismissed by the learned Judge considering the conduct of the revision petitioner in not complying with the orders. Challenging this, the Civil Revision Petition is filed.

3.As rightly held by the learned Judge the very conduct of the revision petitioner in consecutively not complying with the conditional orders passed would clearly demonstrate the intent of the revision petitioner to protract the proceedings.

I find no infirmity in the order passed by the learned Subordinate Judge, Udumalpet. The Civil Revision Petition is dismissed. There shall be no order to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

05.03.2019

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Index : Yes/No
Speaking order/non-speaking order

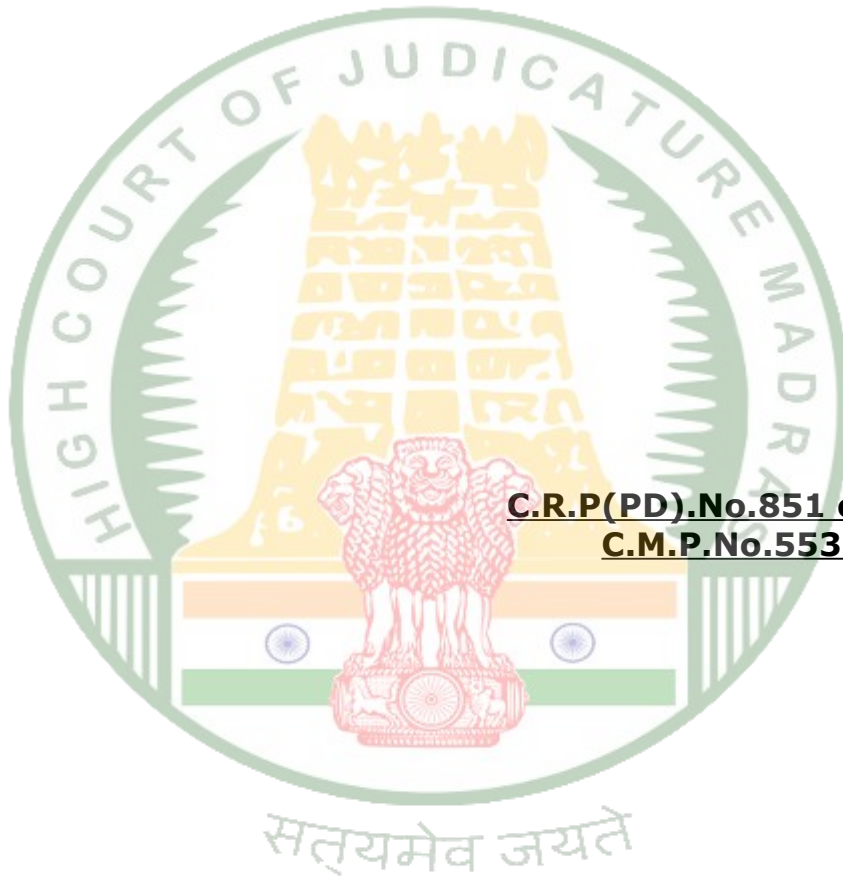
To,

The Subordinate Court,
Udumalpet.

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P.T.ASHA, J.,

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