

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

Rev. A. No. 207 of 2019

1. Thirumurugavel

2. Parameswari

... Petitioners

-Vs-

Govindasamy

... Respondent

Prayer : Petition filed under Order 47 Rule 1 of the Civil Procedure Code to review the order dated 09.09.2019 and made in C.M.P. No. 14850 of 2019 in C.R.P. No. 8 of 2014.

For Petitioners : Mr. P. Ganesan

ORDER

This Review Application has been filed against the order passed by this Court in C.M.P. No. 14850 of 2019 in C.R.P. No. 8 of 2014, by order dated 09.09.2019, where this Court has passed the following order:

"This Court, by an order dated 12.03.2019, while allowing the above Civil Revision Petition No.8 of 2014, has made a condition that the revision petitioner has to pay a sum of Rs.10,000/- to the respondent within four weeks from the date of receipt of a copy of the order. Accordingly, the copy of the order dated 12.03.2019 was made ready and delivered to the petitioner on 15.05.2019. Therefore, thirty days time was over by 14.06.2019. Despite the same, the cost of Rs.10,000/- has not been paid.

2. Subsequently, this petition has been filed to extend the time for a further period of four weeks. Assuming that the four weeks, as has been sought for herein is extended, that extended period was also over by 14.07.2019. Today, we are on 09.09.2019. Even today, when this petition is taken up for hearing, the learned counsel for the petitioner wants two more weeks time. Such kind of extension cannot be granted, as enough time has already been granted by this Court for making the payment of the costs of Rs.10,000/- and the said opportunity since has not been utilised and even the four weeks time sought for is also over.

3. Today, when the Court asked the learned counsel for the petitioner whether the petitioner is ready to make the payment on or before 12.09.2019, even for the said

arrangement the learned counsel for the petitioner submits that, the petitioner will not be in a position to make the payment within 12.09.2019 and still seeks for further extension of time.

4. In the above circumstances, this Court is not inclined to accept such plea and this petition deserves to be dismissed. Accordingly, the above miscellaneous petition is dismissed."

2. The said order now sought to be reviewed under Order 47 Rule 1 r/w 114 of the Civil Procedure Code.

3. I have heard Mr. P. Ganesan, learned counsel appearing for the revision petitioners and gone through the said order referred to above.

4. It was a conditional order already passed for making the payment of cost and thereafter extension of time was sought for, where this Court was inclined to extend the time upto 12.09.2019. However within that date also, the revision petitioners were not ready to pay the cost. Therefore there is no question of giving any further extension. Accordingly on merits only, the Civil Miscellaneous Petition was

R. SURESH KUMAR, J.

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rejected. However since the said order has been sought to be reviewed. Apparently there is no error available on record in passing of the order or any omission by this Court and hence the question of reviewing the order does not arise, as has been sought for by the learned counsel under Order 47 Rule 1 r/w Section 114 of the Civil Procedure Code.

5. Accordingly, this Review Application is undeserved and hence it fails and it is dismissed accordingly. No costs.

13.11.2019

Index: Yes / No

Speaking order / Non speaking order

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