

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 4275 of 2018

1. Chinnapillai

2. Palaniyammal

3. Periyaswamy

4. Balakrishnaveni

5. Arumugam

6. Poongodi

7. Karnal Pandian

8. Muthukumar

9. Uma

10. Elamgovan

सत्यमेव जयते

...Petitioners

vs

Neela

...Respondent

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Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the order passed in I.A.No.103 of 2017 in I.A.No.110 of 2015 in O.S.No.72 of 2013 dated 05.07.2017 on the file of Sub-Court, Rasipuram.

For Petitioners : Ms.L.Srileka

For Respondent : No Appearance

ORDER

The order under challenge in the present revision petition is the rejection of the petitioners' application seeking for extension of time to pay the costs which were ordered in I.A.No.110 of 2015 in O.S.No.72 of 2013. When the petitioners have earlier filed the application to set aside the ex-parte decree as against them, the reason cited was that they were not made aware of the ex-parte decree by the earlier counsel. The trial Court had accepted the reasoning and had allowed the application by imposing costs of Rs.1,500/-, which amount was not paid. Hence, the petitioners have made the above application seeking for extension of time for payment of costs on the ground that they have left the station on invitation by a relative at Vellore.

2. The learned counsel for the respondent opposed the said application stating that though in normal circumstances, these objections will not be raised for an application of this kind. He would submit that the preliminary decree was passed in 2014 and that the defendants have been wantonly protracting the proceedings. He also submitted that the defendants

had filed applications of this similar nature and they are colluding together by protracting the final decree proceedings.

3. In my view, since the Court has already taken a decision to set aside the ex-parte decree by imposing a condition, it would be appropriate to give one more opportunity for the purpose of complying with the condition and permitting the petitioner to pay the costs of Rs.1,500/-.

4. Nevertheless, taking note of the objections raised by the respondent/plaintiff, I am of the view that if time is stipulated for completing the final decree proceedings, the ends of justice would be met.

5. In the light of the above observations, the petitioners are granted a time of one week from the date of receipt of a copy of this order, to comply with the condition imposed in the earlier order dated 15.02.2017 passed in I.A.No.110 of 2015 in O.S.No.72 of 2013. Thereafter, the learned Subordinate Judge, Rasipuram shall endeavour to dispose of the suit atleast within 6 months from the date of payment of costs.

M.S.RAMESH.,J

hvk

6. In view of the fact that the suit was filed in the year 2013, the Civil Revision Petition stands disposed of. No costs.

28.01.2019

Index:Yes/No
Speaking Order: Yes/No
hvk

To
The Sub Court,
Rasipuram.



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