



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD)No.2034 of 2019

Megala

... Petitioner / plaintiff

Vs.

1.Sasikumar

2.Murugesan

.. Respondents / Defendants

PRAYER: This Civil Revision Petition is filed under Section 115 CPC to set aside the fair and decreetal order dated 12.06.2018 made in I.A.No.854 of 2017 in O.S.No. 275 of 2012 on the file of the II Additional Subordinate Judge, Trichirappalli.

For Petitioner : Mr.S. Sankar

ORDER

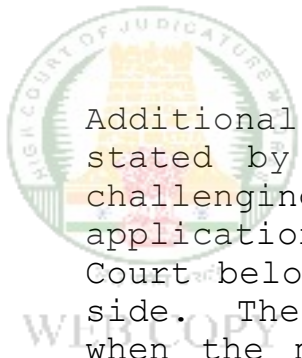
This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 12.06.2018 made in I.A.No.854 of 2017 in O.S.No. 275 of 2012 on the file of the II Additional Subordinate Judge, Trichirappalli.

2. The revision petitioner / who is the plaintiff, has filed a suit in O.S.No.275 of 2012, on the file of II Additional Subordinate Judge, Trichirappalli, for specific performance and the same was dismissed for default on 06.03.2017. For setting aside the said order, the revision petitioner has filed an Interlocutory Application in I.A.No.854 of 2017 along with an application to condone the delay of 106 days and the same has been allowed with a cost of Rs.1,500/-. Challenging the said order the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel appearing for the revision petitioner submitted that the Court below without any application of mind has passed an order imposing a cost of Rs.1,500/-, which is on the higher side. However, he fairly submitted that the petitioner undertakes to pay the said cost within a period of two weeks.

4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The present Civil Revision Petition has been filed to set aside the fair and decreetal order dated 12.06.2018 made in I.A.No.854 of 2017 in O.S.No. 275 of 2012 on the file of the II



Additional Subordinate Judge, Trichirappalli. The main reason stated by the learned counsel for the revision petitioner for challenging the order of the Court below is that without application of mind, while condoning the delay of 106 days, the Court below imposed a cost of Rs.1,500/-, which is on the higher side. Therefore, he prayed to set aside the said order. However, when the matter is taken up for hearing, he has restricted his arguments to the extent that if this Court considered for permitting the revision petitioner to pay the cost within two weeks time, that would meet out the relief sought for by the revision petitioner herein.

6. In the present case, the order for payment of cost was passed on 12.06.2018, however, till date, the revision petitioner has not chosen to pay the said cost as directed by the Court below. Therefore, considering the facts and circumstances of the case and in view of the submission made by the learned counsel for the petitioner, this Court is inclined to impose additional cost of Rs. 2,000/- in addition to the cost of Rs.1,500/- imposed by the Court below. Therefore, this Court directs the revision petitioner to pay a sum of Rs.3,500/- to the District Legal Services Authority, Trichy, within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

7. This Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1.The II Additional Subordinate Judge, Trichirappalli.

2.The Officer Incharge, District Legal Services Authority
Trichy

1 CC to M/s.S. SANKAR, Advocate (SR-97841[F] dated 13/11/2019)

C.R.P (MD)No.2034 of 2019

13.11.2019

KM/(12.12.2019) 2P 4C