



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(MD)Nos.1565 and 1566 of 2019
and CMP(MD)No.8283 of 2019

Subbaiya

... Revision Petitioner
in both CRPs.

versus

K.Santhanam

... Respondent in both CRPs.

CRP(MD)No.1565 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 14.03.2019 passed in I.A.No.747 of 2018 in I.A.No.978 of 2017 in O.S.No.232 of 2012 by the District Munsif Court, Kovilpatti.

CRP(MD)No.1566 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 14.03.2019 passed in I.A.No.748 of 2018 in I.A.No.978 of 2017 in O.S.No.232 of 2012 by the District Munsif Court, Kovilpatti.

For Revision Petitioner : Mr.A.Jayaramachandran

COMMON ORDER

CRP(MD) No.1565 of 2019 has been filed against the order dated 14.03.2019 passed in I.A.No.747 of 2018 in I.A.No.978 of 2017 in O.S.No.232 of 2012 by the District Munsif Court, Kovilpatti.

2. CRP(MD) No.1566 of 2019 has been filed against the order dated 14.03.2019 passed in I.A.No.748 of 2018 in I.A.No.978 of 2017 in O.S.No.232 of 2012 by the District Munsif Court, Kovilpatti.

3. The revision petitioner herein is the defendant in O.S.No.232 of 2012 on the file of the District Munsif Court, Kovilpatti. The respondent herein filed a suit in O.S.No.232 of 2012 seeking the relief of permanent injunction restraining the defendant/revision petitioner herein from interfering with his peaceful possession and enjoyment of the suit property. In the said suit, both sides' evidence were over and the suit was posted for



arguments. At that time, the defendant/revision petitioner filed an application in I.A.No.978 of 2017 seeking to re-open the evidence on the side of the defendant and to mark a document as additional evidence. The Court below, by order dated 13.08.2018, directed the revision petitioner to pay the cost of Rs.300/- on or before 20.08.2018. Due to non payment of cost of Rs.300/-, the said application was dismissed. Thereafter, the defendant/revision petitioner filed an application in I.A.No.747 of 2018 seeking restoration of I.A.No.978 of 2017 and also filed another application in I.A.No.748 of 2018 seeking extension of time to pay the cost of Rs.300/-. But, the Court below dismissed both the applications holding that only for the purpose of dragging the matter, the petitioner has deliberately failed to pay the cost of Rs.300/- as fixed by the Court. Challenging the same, the present Civil Revision Petitions are filed.

4. The learned counsel appearing for the revision petitioner submitted that since the wife of the revision petitioner was unwell, the revision petitioner was not in a position to pay the cost of Rs.300/- in time. Since the said amount is very meager, there is no intention on the part of the revision petitioner either to drag on the proceedings or deliberately failed to pay the said amount. Further, the revision petitioner is now ready to pay any higher amount as may be fixed by this Court within a time frame and to co-operate in the suit proceedings for speedy disposal.

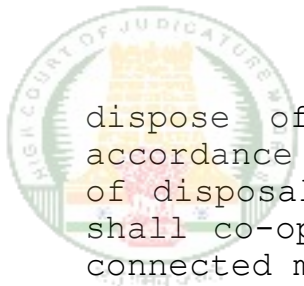
5. Considering the facts and circumstances of this case and also in view of the submissions made by the learned counsel appearing for the revision petitioner that the revision petitioner is ready to pay any higher amount as may be fixed by this Court within a time frame, this Court, in order to give an opportunity to the revision petitioner to prove his *bona fide*, is inclined to allow these revision petitions by directing the revision petitioner to pay a sum of Rs.2,000/- instead of Rs.300/-.

6. Accordingly, both the Civil Revision Petitions are allowed, by setting aside the orders dated 14.03.2019 passed in I.A.Nos.747 and 748 of 2018 in I.A.No.978 of 2017 in O.S.No.232 of 2012 respectively, by the District Munsif Court, Kovilpatti.

7. The revision petitioner is directed to pay a sum of Rs.2,000/- (Rupees two thousand only) to the learned counsel, who is appearing for the plaintiff before the Court below, within a period of two weeks from the date of receipt of a copy of this order. The revision petitioner is directed to co-operate in the suit proceedings for expeditious disposal.

8. On filing a memo of payment, the learned District Munsif, Kovilpatti, is directed to dispose of I.A.No.978 of 2017, on merits and in accordance with law, within a period of two weeks thereafter.

Services.e-courts.gov.in District Munsif, Kovilpatti, is further directed to



dispose of the suit in O.S.No.232 of 2012, on merits and in accordance with law, within a period of three months from the date of disposal of I.A.No.978 of 2017, in case the revision petitioner shall co-operate in the suit proceedings. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

The District Munsif Court,
Kovilpatti.

+1 CC to M/s.A.JAYARAMACHANDRAN, Advocate SR-86366.

CRP(MD)Nos.1565 and 1566 of 2019
12.09.2019

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