



WEB COPY

C.R.P(MD)No.1599 of 2019 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P(MD)No.1599 of 2019 and
CMP(MD).No. 8433 of 2019

Rajathurai

... Petitioner/Petitioner/Defendant

Vs.

1.Saritha

2. Minor Janaki

(Minor rep. by 1st respondent / mother

as guardian as next friend).. Respondents/Respondents/Plaintiffs

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records pertaining to the fair and decreetal order in I.A.No. 368 of 2018 in O.S.No.106 of 2018, passed by the Principal District Munsif, Padmanabhapuram, dated 05.08.2019 and set aside as the same.

For Petitioner

: Mr. K.P. Narayanakumar

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Court below in I.A.No. 368 of 2018 in O.S.No.106 of 2018, dated 05.08.2019, wherein the Court below set aside the ex parte order by imposing a cost of Rs.30,000/-. According to the revision petitioner, the said amount is too exorbitant.

2. The learned counsel appearing for the revision petitioner submitted that the suit in O.S.No. 106 of 2018 was dismissed in ex parte on 28.08.2018. Due to the Advocate's boycott, he was not able to make his appearance properly. However, on the very next date i.e., on 29.08.2018, the petitioner has filed an application to set aside the ex parte order. That being the case, the Court below without considering the submission of the petitioner, imposed a cost of Rs.30,000/-, which is totally unwarranted. In such circumstances, the petitioner has come forward with the present Civil Revision Petition before this Court.

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

<https://hcservices.ecourts.gov.in/hcservices/>



4. Since the present revision is filed only questioning the imposition of cost, this Court is inclined to dispose of the petition without issuing notice to the respondent.

5. Admittedly, as contended by the revision petitioner, the matter was posted for very first hearing after service of summons, on 28.08.2018. According to the revision petitioner, due to Advocates' Boycott, his counsel was not able to appear before the Court on 28.08.2018. However, the Court below passed ex parte order against the revision petitioner. After coming to know about the ex parte order on the very next date i.e., on 29.08.2018 itself, he filed an application to set aside the ex parte order. This Court finds bonafide on the part of the revision petitioner to contest the case. In these circumstances, this Court is of the view that imposition of cost of Rs.30,000/- on the revision petitioner by the Court below is too exorbitant. Therefore, this court is of the view that the order of imposing cost of Rs.30,000/- liable to be set aside. Further, the learned counsel for the petitioner submitted that, his client undertakes to pay a sum of Rs.10,000/- towards cost to the respondent.

6. By recording the submission of the revision petitioner, this Court directs the revision petitioner to pay a sum of Rs.10,000/- instead of Rs.30,000/- as cost and the same shall be paid by him within a period of two weeks from the date of receipt of a copy of this order. Thus, the order dated 05.08.2019, passed by the Court below is modified only to the extent stated above and the remaining shall stand un-altered.

7. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif, Padmanabhapuram.

1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-92390[F] dated 17/10/2019

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