

CRP.No.1068 of 2015

V.BHARATHIDASAN, J.

The matter is listed today under the caption "for being mentioned".

2. Earlier, this Court, by an order dated 30.01.2020 dismissed the Civil Revision Petition. While dismissing the same, this Court directed the respondents to pay a sum of Rs.1000/- as a cost to the Revision Petitioner. However, the above direction has not been incorporated in the copy of the order. issued from the Registry.

3. Considering the above circumstances, para 6 of the Order reads as follows :

" Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No cost. The respondents are directed to pay a sum of Rs.1000/- as cost to the counsel appearing for the Civil Revision Petitioner within a period of two weeks from the date of receipt of a copy of this order. In turn, the learned counsel for the petitioner is directed to pay the same to the revision petitioner. "

4. Registry is directed to make necessary correction and issue fresh order copy.

mrp

10.12.2020

Note: Issue order copy on 15.12.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

**C.R.P.NPD.No.1068 of 2015
and
M.P.No.1 of 2015**

Mrs.Kamalammal

... Petitioner

Vs.

1. The Tahsildar,
Tirupattur, Vellore District.

2. The District Collector,
Vellore, Vellore District.

... Respondents

Prayer :- This Civil revision has been filed under Article 227 of the Constitution of India against the fair and decreetal Order in I.A.No.768 of 2014 in O.S.No.81 of 2011 dated 20.08.2014 on the file of the Principal District Munsif Court, Tirupattur, Vellore District.

For petitioners

: Mr.P.A.Sudesh Kumar

For respondents

: Mr.Y.T.Aravind
Government Advocate

ORDER

This revision has been filed against the Order allowing the petition filed by the respondent filed under section 148 Code of Civil Procedure seeking enlargement of time for payment of cost and to condone the delay of 248 days in filing a petition for enlargement of time.

2. Brief facts leading to filing of this revision is as follows :

The petitioner herein filed a suit for declaration declaring that she is the absolute owner of the suit property and also consequential injunction restraining the respondents from interfering with the possession of the plaintiff in the suit property. The suit property was originally classified as a poromboke land. According to the petitioner, patta has been issued in the year 2005 and based on the patta, she has paid kist and other taxes to the Government. Now the respondents are interfering with the possession of the petitioner in the suit property. Hence, the suit, Earlier, an exparte decree has been passed against the respondents on 03.02.2013. To set aside the same, the respondents have filed an application under Order IX Rule 13 Code of Civil Procedure along with an application to condone the delay of 142 days in filing the application to set aside the exparte decree under section 5 of the Limitation Act in I.A.No.613 of 2013. The above application has been allowed on condition of payment of cost of Rs.500/- within a fixed time. Since the respondents could not pay the cost within the time stipulated, another application have been filed to condone the delay of 248 days and an application to extend time for payment of cost in I.A.Nos.768 of

2014 and 891 of 2014 and the above applications have been allowed and time was extended for payment of cost. Challenging the same, the present revision has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record carefully.

4. The suit has been filed for declaration to declare that the suit property is the absolute property of the petitioner and an exparte decree came to be passed against the respondents. The respondents herein have filed a petition to set aside the exparte decree passed against them along with an application to condone the delay and the same has been allowed on payment of cost within a fixed time and the said Order has not been challenged by the petitioner. However, the said Order has not been complied by the respondents and they have filed an application to extend time to pay the cost and since there is a delay in filing the application, they have also filed an application to condone the delay. The above applications have been allowed. Considering the fact that the applications filed by the respondents have been allowed and in order to give an opportunity to the respondents to putforth their case, I do not find any illegality or infirmity in the Order of the Court below.

5. At this stage, it is represented that the suit in O.S.No.81 of 2011 has been transferred to the Sub Court, Tirupattur and the same is pending in

O.S.No.45 of 2015.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No cost. Further, the respondents are directed to pay the cost to the petitioner within a period of two weeks from the date of receipt of a copy of this Order and if the respondents fail to pay the cost, this Civil Revision Petition will stand allowed and the Order of the Court below will be set aside.

30.01.2020

vrc

Index : Yes/No

Internet : Yes/No

Speaking order/non speaking order

सत्यमेव जयते

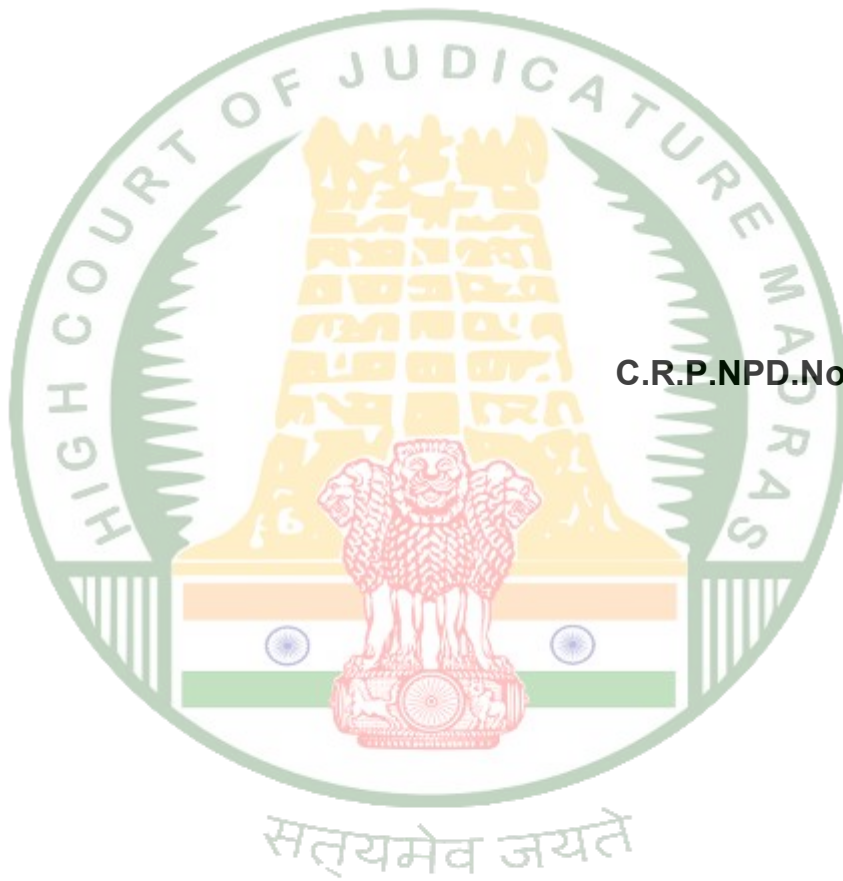
To

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1. The Subordinate Judge,
Tirupattur
2. The District Munsif,
Tirupattur.

V.BHARATHIDASAN, J.

vrc



C.R.P.NPD.No.1068 of 2015

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30.01.2020