



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P. (MD) .No.501 of 2020

and

CM.P. (MD) .No.3142 of 2020

WEB COPY

P.Muthuraman

... Petitioner/1st Respondent
/1st Respondent/1st Defendant

Vs.

1.Vijaya
2.Manoj Nadar
3.Dinesh Nadar (Minor)

(Minor 3rd respondent represented by his
1st respondent as his guardian)

... Respondents 1 to 3/Respondents 1 to 3
Respondents 1 to 3/Plaintiffs

4.G.Kannan
5.R.Anthony Selvam
6.K.S.Balakrishnan
7.A.Ganesan
8.A.Rajesh
9.M.Mohammed Yoosuff Bashim
10.S.H.Jameela Peer Mohammed
11.E.Jayasekaran

...Respondents 4 to 11/Petitioners 2 to 9
/Petitioners 2 to 9/Defendants 2 to 8 & 10

(Respondents 4 to 11 are not necessary parties.

Hence notice to the respondents 4 to 11 may be dispensed with)

PRAYER: Civil Revision Case is filed under Article 227 of Constitution of India as against the fair and decreetal order dated 13.12.2019 passed in unnumbered I.A.No. Of 2019 in I.A.Nos. 1, 2 & 3 of 2019 in O.S.No.75 of 2015 on the file of the learned Principal District Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.M.P.Senthil
For Respondents : No appearance

O R D E R

The petitioner along with respondents 4 to 11 herein filed an unnumbered I.A.No. of 2019 in I.A.Nos. 1, 2 & 3 of 2019 in O.S.No.75 of 2015 for extension of time to pay a cost of



2. According to the learned counsel for the petitioner, he filed three applications, namely, I.A.No.1 of 2019 to set aside the ex-parte order passed against the petitioners therein on 11.12.2018; I.A.No.2 of 2019 to re-open the case and I.A.No.3 of 2019 to recall P.W.1 for cross examination. The said three applications were allowed by the learned Principal District Judge, Kanyakumari on condition to pay a sum of Rs.25,000/- within a stipulated time. Since the petitioner could not deposit the amount into the Court, he filed an unnumbered I.A.No. of 2019 to extend the time to pay the said cost of Rs.25,000/-. The grievance of the petitioner is that though the application is not even numbered and without even hearing the other side, the learned Principal District and Sessions Judge, Kanyakumari District has simply rejected the application. Aggrieved over the said order, the petitioner has filed the present Civil Revision Petition.

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

4. It is seen from the order passed by the Principal District and Sessions Judge, Kanyakumari District at Nagercoil that without even numbering the application filed by the petitioner, the learned District Judge simply rejected the claim of the petitioner is unsustainable.

5. Though the Caveator name has been printed in the cause list, none appeared. Since this Court only to set aside the order and directs the Court below to take the unnumbered I.A on file, it is not necessary to hear the respondents.

6. In the said circumstances, the order passed in unnumbered I.A.No. of 2019 is set aside. The Principal District and Sessions Judge, Kanyakumari District is directed to take the un-numbered application filed under Section 148 of C.P.C on file and dispose the application in accordance with law after giving due opportunities to both parties.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



C.R.P. (MD) .No. 501 of 2020

The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-13009[F] dated
01/06/2020)

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-13039[F] dated
03/06/2020)

C.R.P. (MD) .No. 501 of 2020

and

CM.P. (MD) .No. 3142 of 2020

01.06.2020

PU(CO)

TR(08.06.2020) 3P 4C