



C.R.P. Nos.2316 & 2317 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. (NPD) Nos.2316 & 2317 of 2021

and C.M.P. Nos.17577 & 17583

K.A.Pandian

..Petitioner in both petitions

Versus

1. A.P. Govindasamynathan
2. A.P. Arunkumar

...Respondent in both
petitions

Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the order and decreetal order dated 16.04.2021 passed by XI Judge, Small Causes Court, Chennai, in M.P. No.3 & 4 of 2021 respectively in R.C.O.P. No.651 of 2017 and to allow the said M.P. as prayed for.

For Petitioner : Mr. J.Kalidas

(in both petitions)



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COMMON ORDER

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C.R.P. Nos.2316 & 2317 of 2021 have been filed challenging the orders passed in M.P. Nos.3 & 4 of 2021 respectively, in R.C.O.P. No.651 of 2017.

2. Learned counsel for the petitioner submitted that M.P. Nos.3 and 4 of 2021 have been filed to reopen the petitioner side and recall P.W.1. for further cross examination. Learned XI Judge, Court of Small Causes, Chennai, dismissed those petitions and directed the petitioner to pay a sum of Rs.10,000/- for each petition. The petitioner has not paid the costs. It is informed by the learned counsel for the petitioner that R.C.O.P. No.61 of 2017 was disposed on merits. The only grievance of the learned counsel for the petitioner is that the costs imposed by the learned Judge is excessive.

3. Perusal of the order of the learned XI Judge, Court of Small Causes, Chennai, shows that the learned Judge has considered the submission of both the parties and also extracted the day to day proceedings of the Court. The learned Judge found that the petitioner had delayed the disposal of the case by filing frivolous petitions. On this reason, the learned Judge, directed the petitioner to pay a sum of Rs.10,000/- as costs under Section 35(b) C.P.C. for



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intentionally causing unnecessary delay.

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4. In such circumstances of the case and the reasons stated by the learned Judge in ordering costs, this Court finds no reason to interfere with the orders passed by the learned XI Judge, Court of Small Causes, Chennai, in M.P. Nos.3 and 4 of 2021 in R.C.O.P. No.651 of 2017, and the same is confirmed. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2021

Index: Yes/ No

Speaking Order / Non-Speaking Order

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Copy to:

The Subordinate Judge, Mettur.



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G.CHANDRASEKHARAN, J.,

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