



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP No.2520 of 2021

and

CMP No.18920 of 2021

Angamuthu

... Petitioner/Plaintiff

Vs

1. Dhandapani

2. Ramkumar

... Respondents/Defendants

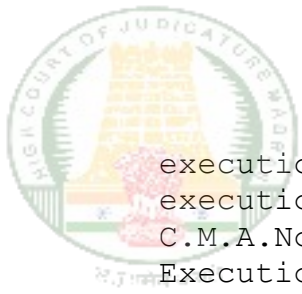
Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India against the order in Memo in O.S. No.21 of 2006 on the file of the Subordinate Judge, Athur dated 15.09.2021.

For Petitioner : Mr.V.Raghavachari

O R D E R

This revision is a result of extreme ego and extreme unreasonableness exhibited by the petitioner and his counsel before the trial Court.

2. The suit for specific performance was filed by the petitioner in O.S. No.21 of 2006 on the file of the Sub Court, Athur. An exparte decree came to be passed on 11.04.2008. An application was filed seeking condonation of delay in filing the application to set aside the exparte decree. The said application was dismissed by the Trial Court. That order of dismissal dated 25.08.2014 was challenged in CRP (NPD) No.4902 of 2014. This Court allowed the C.R.P on condition the petitioner namely the defendant pays a sum of Rs.5,000/- towards cost. The cost was deposited and the I.A was allowed. However, the Civil Miscellaneous Appeal that was pending against the order dismissing the application under order IX Rule 13 of C.P.C., was kept pending and the same was not brought to the knowledge of the Court. Thereafter on 30.11.2016, the said appeal was allowed by the learned Additional District Judge, Salem. In the mean time,



execution was carried out and exparte orders were passed in the execution petition in R.E.P. No.56 of 2016. The orders made in C.M.A.No.23 of 2014, dated 30.11.2016 and the orders made in Execution petition were the subject matter of three revisions before this Court in C.R.P. No.404 of 2017 and C.R.P. (PD).Nos.2124 & 2126 of 2019. All the three revisions were disposed of by this Court by a common order dated 29.08.2019. By the said orders, while dismissing the revision in C.R.P. No.404 of 2017 which was filed against the order in C.M.A. No.23 of 2014, this Court allowed the C.R.P.(PD) Nos.2124 & 2126 of 2019. While doing so, this Court directed the Trial Court to dispose of the suit within a specific time frame. There was also a direction to the respondent in C.R.P.(PD)Nos.2124 & 2126 of 2019 to reimburse the expenses incurred by the petitioner towards the execution of sale deed. Neither the amount was fixed nor any time was fixed for such reimbursement. However, after about 570 days, the respondents filed a memo before the trial Court seeking the exact amount that was spent by the petitioner for execution of the sale deed. The petitioner would have done well to have given the details of the amount that was spent by him for execution of the sale deed. Instead of doing that, the learned counsel for the petitioner/ respondents before the Trial Court filed the four page objection claiming that this Court has fixed a time limit for reimbursement in the Order, dated 29.08.2019 made in C.R.P.(PD) Nos.2124, 2126 of 2019.

3. It was claimed that this Court had directed the money to be deposited within a period of two weeks. A reading of the order shows that there was no such direction by this Court and no time limit was fixed for reimbursement. The Trial Court, rightly accepted the memo and directed the petitioner to file the details of the expenses incurred by him in getting the sale deed executed.

4. Aggrieved by this direction, this revision has been filed. I do not see any reason to entertain this revision. By raising frivolous objections, the petitioner has aided adjournments of the suit for nearly two years. This shows that neither the counsel for the petitioner in the lower Court nor the petitioner are reasonable. They want to stand on hyper technicalities and see that the suit is dragged for years.

5. Therefore, I do not see any reason to interfere with the direction of the Trial Court. The petitioner has now chosen to disclose the cost incurred by him in the Memorandum of grounds of the Civil Revision Petition. If this disclosure has been made immediately after the Memo dated, 04.02.2020 was filed, the



precious time of this Court would have been saved. The petitioner by exhibiting extreme arrogance, had delayed the proceedings for more than two years. I therefore, do not think the petitioner deserves any indulgence from this Court. It is open to the petitioner to either comply with the order passed on the Memo or not. This Civil Revision Petition is dismissed. All time bound directions issued by this Court are vacated. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

ab/vum

To:

1. The Subordinate Judge,  
Athur
2. The Section Officer,  
VR Section,  
Madras High Court, Chennai.

+1cc to Mr.V.Raghavachari, Advocate SR.No.62816

CRP No.2520 of 2021  
and  
CMP No.18920 of 2021

SVI (CO)  
CB(14/12/2021)