



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

**Thursday, the Twenty fourth day of February Two Thousand Twenty Two
PRESENT**

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD)NO 10040 of 2021

in

CRP(MD) . No.70 of 2021

S.P.Meenal W/o.Late. Sukirtharajan
11b Glasskara Street,
Madurai.

... Petitioner/petitioner.

Vs

1 N.Rajalakshmi
W/o.Rajendran 372e Lakshmi Vilas Gst Road
Pasumalai Madurai.

... Respondent/Respondent

Prayer in CMP :-

Civil Miscellaneous petition filed Under Section 148 of CPC. To Extend the time for payment of cost of Rs.5,000/- for another two weeks form 15.11.2021, as per the order made in CRP(MD) NO.70/2021 dt.25.10.2021 on the file of Madras High court Madurai Bench and thus render justice.

Prayer in CRP :-

Civil Revision petition filed under Article 227 of constitution of India. To call for the records relating with the Fair and Executable order date 17-02-2020 made in I.A.No. 143 of 2020 in O.S.No.443 of 2009 on the file of the District Munsif, Thirumangalam and to set aside the same with costs and thus render justice.

ORDER:- This Revision Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.SURYANARAYANAN, Advocate for the Petitioner and MR.S.SRINIVASA RAGHAVAN, for the respondent, this Court made the following order:

This petition has been filed to extend the time for payment of cost of Rs.5,000/- for another two weeks from 15.11.2021 as per the order made in CRP(MD)No.70 of 2021, dated 25.10.2021.

2.In the affidavit filed in support of the above petition, the petitioner has stated that the copy of the order has not been uploaded till 15.11.2021, that the learned counsel for the petitioner before the trial Court has attempted to pay the cost to the counsel on record and the learned counsel refused to receive the amount and that thereafter, the petitioner is constrained to move the above application.



3.It is seen from the records that the order was uploaded on 26.10.2021 and copy was also issued on 18.11.2021 itself. This Court has specifically directed the trial Court, whatever be the result of the petition, to dispose of the suit within a period of three months from the date of receipt of a copy of that order.

4.The learned counsel for the respondent would submit that since the petitioner has filed a memo stating that the civil miscellaneous petition is pending before this Court, the trial Court has not proceeded with the trial. He would further submit that the cost may be deposited before the trial Court.

5.Considering the above facts and circumstances of the case, this petition is allowed and the time is extended for a period of one week on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to the credit of the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040], on or before 25.02.2022 and on receipt of such deposit, the petitioner is permitted to deposit the cost of Rs.5,000/- before the trial Court within a period of one week thereafter.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The District Munsif, Thirumangalam.
2. The Madurai Bench of Madras High Court Advocate Welfare fund, Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 24.02.2022

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ORDER

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CMP(MD) NO.10040 of 2021
in

CRP(MD). No.70 of 2021
Giving direction and etc.
as stated within.