



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(MD).No.653 of 2021 and

C.M.P(MD).No.3555 of 2021

Thanikodi

:Revision Petitioner/Petitioner/2nd respondent

Vs.

1.Shanmugavel

2.Pathirakali

3.Thavamari

4.Minor. V. Vilva Maheswari

5.Minor M. V. Vilva Muneeswari

(Minors rep. by their natural guardian /

mother / next friend Thavamari)

: Respondents/Respondents / Claimants

PRAYER:- Civil Revision Petition filed under Article 115 of the Code of Civil Procedure against the fair and decreetal order made in I.A.No.1 of 2019 in MCOP.No. 27 of 2014, dated 05.02.2021, on the file of the Sub Court, Mudukulathur.

For petitioner : S. Kumar

ORDER

This revision is directed against the order, dated 05.02.2021, passed in I.A.No.1 of 2019 in MCOP.No. 27 of 2014, on the file of the Sub Court, Mudukulathur and the challenge is with respect to the imposition of cost of Rs.25,000/-.

2. It is evident from the records that an ex parte award has been passed in MCOP.No. 27 of 2014 on 18.12.2015, that the revision petitioner, who is the second respondent in MCOP has filed an application in I.A.No. 1 of 2019 to condone the delay of 1431 days in filing the application to set aside the ex parte order and that the learned Judge, after conducting the enquiry, has passed a conditional order allowing the application on payment of cost of Rs.25,000/- to the respondents.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the revision petitioner would submit that the imposition of the cost is heavy and that a portion of the cost amount may be treated as interim compensation.

4. No doubt, MCOP.No.27 of 2014 has been filed in the year 2014 and an ex parte Award was passed in the year 2015 and after a very long delay, the second respondent has approached the trial Court for setting aside the ex parte order.



5. Considering the facts and circumstances, this Court directs the revision petitioner to pay a sum of Rs.10,000/- as costs to the respondents and pay the balance amount of Rs.15,000/- towards interim compensation to the credit of MCOP No.27 of 2014 and the same has to be taken into account at the time of passing final order in the MCOP, on or before 29.04.2021, failing which, the present revision shall stand dismissed.

6. With the above modification, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Sub Judge, Mudukulathur.

C.R.P(MD).No.653 of 2021 and
C.M.P(MD).No.3555 of 2021
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