



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of October
Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.8253 of 2021

IN

CRP(MD) No.657 of 2021

A.R.MUTHUKUMAR
S/O.HARIHARAPUTHIRAPILLAI @
ARIYAPUTHIRAPILLAI,
THROUGH HIS POWER AGENT A.SUBRAMAN

... PETITIONER/1st RESPONDENT

Vs

1. KARUNANITHI
S/O.THIYAGARAJAN,

HARITHARAPUTHIRAPILLAI @ ARIYAPUTHIRAPILLAI (DIED),
KALYANIAMMAL (DIED)

2. RAMAMIRTHAM
W/O.SUBRAMANIAN,

3. DHARMAMBAL
W/O.LATE.THAYALAN,

4. NITHYA KALYANI
D/O.LATE.THAYALAN,

5. THAIYALNAYAGI
D/O.LATE.THAYALAN,

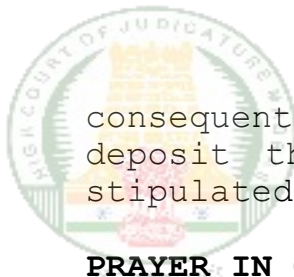
6. HARIHARAN
S/O.LATE.THAYALAN,

7. RAMALAKSHMI
W/O.THIAGARAJAN,

..RESPONDENTS 2 TO 7/
RESPONDENTS 2 TO 7.

PRAYER IN CMP(MD)No.8253 OF 2021:

This Civil Miscellaneous Petition is filed under Section 148 and 151 of C.P.C., to pass an order extending the time limit prescribed by this Honourable Court in the order dated 09.04.2021 passed in the Civil Revision Petition in CRP(MD)No.657 of 2021 and



consequently permit the petitioner/first respondent/plaintiff to deposit the cost of Rs.1000/- within a time limit that may be stipulated by this Honourable Court.

PRAYER IN CRP(MD)No.657 OF 2021:

This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated: 19.02.2021 in I.A.No.142 OF 2020 in O.S.No.48 of 2009 on the file of the Subordinate Judge, Ramanathapuram.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.BARATHAN, Advocate for the petitioner and of MR.SELVA ADITYA, ADVOCATE FOR M/S. G.PRABHU RAJADURAI, Advocate for the Respondent No.1, this court made the following order:-

The Civil Miscellaneous Petition has been filed seeking orders to extend the time limit prescribed by this Court in CRP(MD)No.657 of 20121, dated 09.04.2021, for payment of cost.

2.The first respondent herein has filed the above revision challenging the order passed in I.A.No.142 of 2020 in O.S.No.48 of 2009 on the file of the Subordinate Court, Ramanathapuram. This Court vide order dated 09.04.2021, partly allowed the revision and directed the first respondent/plaintiff to pay a sum of Rs.1,000/- to the revision petitioner on or before 30.04.2021, failing which, the petition in I.A.No.142 of 2020 shall stand dismissed.

3.As rightly pointed out by the learned counsel for the petitioner, the order was directed to be sent to the Subordinate Court, Ramanathapuram, only. Moreover, the revision is partly allowed at the time of admission itself and as such, the petitioner/first respondent was not before this Court at that point of time.

4.The learned counsel for the petitioner would submit that they have filed lodgment schedule for payment of cost as ordered by this Court, but the learned trial Judge has returned the same, stating that the High Court has directed the petitioner to pay the cost on or before 30.04.2021 and as such the amount cannot be received by the Court.

5.The learned counsel for the respondents would submit that they have no objections to extend the period sought for.

6.Considering the above, this Court is inclined to extend the time sought for to pay the cost imposed by this Court. The learned counsel for the petitioner would also submit that they may be permitted to send Demand Draft drawn in favour of the first



respondent and seeks two weeks time.

7. Accordingly, this Civil Miscellaneous Petition is allowed and two weeks time is granted for paying the cost to the first respondent through Demand Draft, from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-II)

das

TO

THE SUBORDINATE JUDGE. RAMANATHAPURAM

Order Date :26/10/2021

ORDER

CMP (MD) No.8253 of 2021

IN

CRP (MD) No.657 of 2021

Allowing the Civil Miscellaneous
Petition by granting two weeks time for
paying the cost etc., as stated within.

RS

27/10/2021

1P/2C