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C.R.P.(PD)Nos.2068 and 2070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)Nos.2068 and 2070 of 2022

and

C.M.P.No.10644 of 2022

1.G.Udayakumar
2.G.Usha Maheswari

... Petitioners
in both C.R.Ps.

..Vs..

1.V.Selvaraj
2.S.Suresh Kumar
3.S.Ravichandran

... Respondents
in both C.R.Ps.

Common Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 28.2.2022 passed in I.A.Nos.557 and 558 of 2021 in O.S.No.323 of 2015 on the file of the learned District Munsif Judge, Tambaram, Kancheepuram District.

For Petitioners : Mr.P.Rajendran
for M/s.Swaraj Associates
in both C.R.Ps.



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COMMON ORDER

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These Civil Revision Petitions have been preferred challenging the order dated 28.2.2022 passed in I.A.Nos.557 and 558 of 2021 in O.S.No.323 of 2015 by the learned District Munsif Judge, Tambaram, Kancheepuram District.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The revision petitioners are the plaintiffs, who have filed the suit in O.S.No.323 of 2015 against the respondents/defendants for bare injunction. During the trial, the first plaintiff was examined as P.W.1 and after completion of his evidence, the plaintiffs filed two applications in I.A.Nos.557 and 558 of 2021 to re-open and re-call the evidence of P.W.1 for marking the plaint documents as Exhibits. The trial Judge allowed the applications on 25.02.2022 on payment of costs of Rs.5,00/- for each of the applications. Thereafter, since the condition was not complied, the applications were dismissed on 28.02.2022. Aggrieved over the same, the



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petitioners have preferred the present revision petitions.

4. The learned counsel for the petitioners submitted that the default of not paying the cost and complying the condition is solely the mistake of the counsel on record and for his mistake, the parties should not suffer.

5. The revision petitioners ought to have filed the applications before the trial Court itself, for extending the time for payment of costs. The learned counsel for the revision petitioners submitted that he was under the impression that if such applications are filed after the expiry of time stipulated in the condition, the learned trial Judge will not entertain the same.

6. It is reliably learnt that the case is posted for defendants' side evidence. Since the learned counsel for the revision petitioners submitted that it is the mistake on the part of the counsel himself, I feel that the matter should be disposed appropriately. In order to avoid further delay and to enable the proceedings to go further, I feel that the matter should be disposed by permitting the petitioners to pay an enhanced costs of



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Rs.1,000/- to the respondents in each of the petitions within a period of one week.

7. Accordingly, these Civil Revisions Petitions are allowed and the order dated 28.2.2022 passed in I.A.Nos.557 and 558 of 2021 in O.S.No.323 of 2015 by the learned District Munsif Judge, Tambaram, Kancheepuram District are set aside. The petitioners are directed to pay a cost of Rs.1,000/- to the respondents in each of the petitions within a period of one week from the date of receipt of a copy of this order, failing which the above petitions in I.A.Nos.557 and 558 of 2021 will stand dismissed automatically. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2022

Note : Issue order copy on 07.07.2022.

Index:Yes No

Speaking Order:Yes/No

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To

The District Munsif Judge,
Tambaram, Kancheepuram District.



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R.N.MANJULA, J.

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07.07.2022