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C.R.P(NPD).No.1880 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1880 of 2022
and C.M.P.No.9587 of 2022

A.Vijayakumar

... Petitioner

..Vs..

N.Rathinakumar

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the docket order dated 14.09.2021 in I.A.No.1 of 2019 in O.S.No.461 of 2016 passed by the I Additional District Court, Coimbatore.

For Petitioner : Mr.A.Suresh Sakthi Murugan

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned II Additional District Judge, Coimbatore, dated 14.09.2021, made in I.A.No.1 of 2019 in O.S.No.461 of 2016.



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2.The petitioner is the defendant and an ex-parte decree was passed in O.S.No.461 of 2016. He filed a petition under Section 5 of the Limitation Act to condone the delay of 219 days in filling the petition and to set aside the ex-parte decree and the same was allowed on terms of payment of Rs.3,500/- on or before 13.09.2021. The said order was passed on 03.09.2021. On 14.09.2021, the petition was dismissed because of non payment of costs. Aggrieved over the order of dismissal dated 14.09.2021, the petitioner/defendant has preferred this revision.

3.The petitioner has got no grievance as to the conditional order which was passed on 03.09.2021, but his grievance is he was not given with extension of time. The order dated 14.09.2021 is consequential to the earlier order dated 03.09.2021. Since the petitioner did not pay the costs, the natural consequence would be the dismissal of the petition.

4.The petitioner ought to have saved the relief granted to him by way of preferring the petition under Section 148 CPC, for extension of



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time by complying the condition. Without resorting to such a course, the petitioner has chosen to challenge the order dated 14.09.2021, which in my opinion is not correct. There is no factual or legal infirmity in the docket order dated 14.09.2021 and it does not require any interference by this Court.

5.Accordingly, the Civil Revision Petition is dismissed and the docket order dated 14.09.2021 in I.A.No.1 of 2019 in O.S.No.461 of 2016 passed by the I Additional District Court, Coimbatore, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is also closed.

21.06.2022

vkr

Index:Yes No

Speaking Order:Yes/No

To

1.The I Additional District Judge,
Coimbatore.

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R.N.MANJULA,J.

Vkr

2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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