



C.R.P.(PD) No.1021 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD) No.1021 of 2019
and C.M.P.No.6740 of 2019

J.Manivannan
Petitioner

...

Vs.

1.S.Ranganathan

2.Royal Sundaram Alliance
Insurance Company Ltd,
Sundaram Towers,
45 & 46, Whites Road,
Chennai 600 014

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 21.03.2018 passed in I.A.No.36 of 2018 in I.A.No.121 of 2017 in M.C.O.P.No.40 of 2012 passed by the learned Subordinate Judge, Tambaram, Chennai.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.G.Rajadurai
for Mr.M.B.Gopalan Associates



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ORDER

This Civil Revision Petition has been filed to set aside the order dated 21.03.2018 passed in I.A.No.121 of 2017 in M.C.O.P.No.40 of 2012 passed by the learned Subordinate Judge, Tambaram, Chennai.

2. I.A.No.121 of 2017 in M.C.O.P.No.40 of 2012 has been filed by the petitioner praying for leave, to file documents in M.C.O.P.No.40 of 2012. The Tribunal has passed conditional order directing the petitioner to pay a sum of Rs.500/- to the respondent on or before 20.03.2018 failing which, the petition shall stand dismissed and posted the matter on 21.03.2018.

3. Learned counsel for the petitioner submitted that the order could not be complied with only on account of the fact that the learned counsel for the respondent could not be contacted and thereafter, he filed an application in I.A.No.36 of 2018 in I.A.No.121 of 2007 on 21.03.2018 itself praying for extension of time for payment of cost. The learned Judge rejected the said



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petition without considering the reasons submitted by the petitioner for the inability to comply with the order for payment of costs. Aggrieved by the order of the learned Judge, the petitioner filed the present Civil Revision Petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Taking note of the fact that the petitioner filed I.A.No.121 of 2017 praying for leave to file additional documents in M.C.O.P.No.40 of 2012 and that the said proceedings being summary proceedings, no prejudice will be caused to the respondents in allowing the said petition. In any event, the petitioner is directed to pay a sum of Rs.1000/- to the contesting respondent.

6. This Court while passing the above direction, the petitioner immediately paid a sum of Rs.1000/- to the respondent, across the table. The payment made by the petitioner is recorded. Therefore, the order dated 21.03.2018 passed in I.A.No.121 of 2017 in M.C.O.P.No.40 of 2012 is set



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aside. The petitioner is permitted to file additional documents in the manner known to law. Considering the fact that the MCOP is of the year 2012, the Trial Court is directed to dispose of the M.C.O.P.No.40 of 2012 within a period of six(6) months from the date of receipt of a copy of this order.

8. With the above direction, this Civil Revision Petition stands allowed. Consequently, connected miscellaneous is closed. No costs.

06.07.2022

msv

To

1. The Subordinate Judge, Tambaram, Chennai



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