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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.07.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2453 of 2023

1. R. Sankar

2. R. Babu

...Petitioners

.Vs.

1. M. Bhuvaneswari

2. S. Selvarani

3. S. Amsa

4. Gnanammal

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Docket Order dated 16.02.2023 made in I.A.No.4 of 2022 in O.S.No.3 of 2015 on the file of the Court of the Additional District Judge (FAC), Fast Track Court, Villupuram by allowing this Civil Revision Petition and pass orders.

For Petitioner

: Mr. T. Dhanasekaran

**ORDER**

This petition is filed to issue a direction to set aside the Docket Order dated 16.02.2023 made in I.A.No.4 of 2022 in O.S.No.3 of 2015 on the file of the Court of the Additional District Judge (FAC), Fast Track Court), Villupuram and pass orders.

2. The facts of the case, is that that the the petitioners are the defendants in the suit and the suit was filed by the respondents 1 to 3/Plaintiffs for partition and separate possession in respect of 21/36 shares of plaintiffs and in final decree proceedings an Advocate Commissioner may be appointed to divide the suit properties by metes and bounds into 36 equal shares and allot 21 such shares contiguously to the plaintiffs. However, the plaintiffs were absent. Hence, the said suit was dismissed for default. Hence, the respondents 1 to 3/Plaintiffs filed the above I.A to condone the delay of 270 days in filing a petition to restore the suit, wherein, the learned Judge has ordered costs and directed the plaintiffs who are the respondents herein to pay Rs.1,500/- to the petitioners herein. Aggrieved by which, the petitioner havefiled the present C.R.P Hence this petition.



3. The learned counsel for the petitioner submitted that the respondents are deliberately dragging the proceedings. He further submitted that the Court below ought to have dismissed the above I.A with costs. Hence prays this Court, to allow this petition.

4. Considering the facts of the case, this Court is of the view that the Cost imposed by the Court below at Rs.1,500/- is very low. Hence, this Court is inclined to impose a further costs of Rs.3,500/- to be paid by the Respondents to the petitioners and no further interference is needed.

5. With the above directions, this Civil Revision Petition is disposed of. No order as to costs.

20.07.2023

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Index : Yes/No

Internet: Yes/No

To.

1. The Additional District Judge (FAC), Fast Track Court, Villupuram

V.BHAVANI SUBBAROYAN,J.

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