



CRP No.2057 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-01-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.2057 of 2022

Saraswathi

.. Petitioner

VS.

1.Sellammal

2.P.Ramasamy

3.Palanisamy

.. Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the Docket Order dated 14.02.2022 in Unnumbered Interlocutory Application of 2022 in OS No.253 of 2010 on the file of the learned Subordinate Judge, Thiruchengode.

For Petitioner : Mr.K.Rajasekaran

For Respondents : No Such Person



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ORDER

The present Civil Revision Petition is filed against the Docket Order dated 14.02.2022 in Unnumbered Interlocutory Application of 2022 in OS No.253 of 2010 on the file of the learned Subordinate Judge, Thiruchengode.

2. The revision petitioner is the third defendant in the suit instituted by the third respondent for specific performance.

3. As far as OS No.253 of 2010 is concerned, the revision petitioner has been set ex parte and challenging that said ex parte order, an Interlocutory Application was filed. Thereafter CRP No.3996 of 2017 was filed before the High Court and this Court passed an order on 09.03.2020, directing the petitioner to pay a sum of Rs.50,000/- to Mr.Palanisamy, who is the respondent in CRP, within a period of two weeks. The Trial Court received the copy of the order dated 21.09.2020.



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4. The learned counsel for the petitioner made a submission that since it was a Pandemic duration, the petitioner was not in a position to immediately deposit the said amount of Rs.50,000/- before the Trial Court. However, on receipt of the certified copy of the order, the revision petitioner filed an application along with the Bank Demand Draft for Rs.50,000/-.

5. The Trial Court without considering the Pandemic duration returned the papers along with the Bank Demand Draft. Thus, the petitioner is constrained to move the present Civil Revision Petition.

6. No doubt, there was delay in paying the cost amount of Rs.50,000/- as ordered by the High Court in CRP No.3996 f 2017.

7. Considering the fact that the certified copy of the order was received by the Trial Court on 21.09.2020 during the mid Pandemic duration, this Court is inclined to consider the present Civil Revision



Petition.

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8. Accordingly, the the Docket Order dated 14.02.2022 in Unnumbered Interlocutory Application of 2022 in OS No.253 of 2010 on the file of the learned Subordinate Judge, Thiruchengode is set aside and the petitioner is permitted to pay the cost amount of Rs.50,000/- on or before 20.01.2023, failing which the present Civil Revision Petition shall stand dismissed automatically. The Trial Court may accept the Web copy if produced by the petitioner for the purpose of accepting the Demand Draft. However, there shall be no order as to costs.

03-01-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The Subordinate Judge,
Sub Court,

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Thiruchengode.

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S.M.SUBRAMANIAM, J.

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