



C.M.P.No.12448 of 2021
in C.R.P.No.3908 of 2014

N.SESHASAYEE, J.

The petitioner herein is the plaintiff in O.S.No.17 of 2010, which he had laid for declaration and injunction vis-a-vis a certain pathway. The defendant has resisted the suit pleading inter alia that the plaintiff has ceased to be the owner of the property on the date of institution of the suit.

2.The suit came to be dismissed for default, for restoring which, the plaintiff took out necessary application along with I.A.No.34 of 2014 for condoning the delay of 85 days and this was dismissed by the trial court. Challenging the same the plaintiff came before this Court with this C.R.P.

3.On 26.03.2019 the above C.R.P. was allowed but subject to payment of cost of Rs.10,000/- within a period of four (4) weeks from the date of order. That cost was not paid and today the plaintiff almost after four years since the disposal of the C.R.P. has come out with the present petition for extension of time in paying the cost.

4.Heard Mr.G.Jeremiah, the learned counsel for the petitioner and Mr.K.V.Ananthakrishnan for the respondents 1 to 3.



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5.It becomes evident that the plaintiff is a habitual defaulter vis-a-vis judicial proceedings. Therefore this Court does not find it necessary to aid someone who is perpetually a defaulter.

6.This Petition stands dismissed accordingly.

29.03.2023

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