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CRP.No.2255 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2255 of 2019 and
CMP.No.14679 of 2019

1.Manokaran

2.Sakthivel

3.Thirumurugan

4.Suresh

5.Rajammal

... petitioners

Vs.

1.Salammal

2.Madhaiyan

3.Jayamani

4.Sigamani

5.Latha @ Valarmathi

6.Sivaji

... Respondents

PRAYER:

Civil Revision Petition filed under Section 115 of CPC to set aside the fair and decretal order dated 18.06.2019 made in IA.No.511 of 2018 in IA.No.1260 of



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2017 in OS.No.147 of 2015 on the file of District Munsif Court, Dharmapuri and

to allow the above civil revision petition.

For Petitioners : Mr.C.Prabakaran

For Respondents: Mr.B.Sundara Pandian

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 18.06.2019 made in IA.No.511 of 2018 in IA.No.1260 of 2017 in OS.No.147 of 2015 on the file of District Munsif Court, Dharmapuri, thereby dismissed the petition filed under Section 148 of CPC for extension of time to pay cost.

2. Heard, the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners are the defendants in the suit filed by the respondents for declaration in respect of the suit property. On receipt of suit summons, they filed written statement. Thereafter, they were set exparte. As against the exparte order, they filed petition in IA.No.328 of 2016 to set aside the exparte order. It was allowed by order dated 06.01.2014 on cost of Rs.500/-



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However, the said cost amount was not paid and subsequently, the petitioners filed IA.No.637 of 2017 for extension of time under Section 148 of CPC. It was also dismissed by order dated 09.08.2017. Thereafter, the court below passed exparte judgment and decree. Again, the petitioners filed petition to set aside exparte decree in IA.No.1260 of 2017 and the same was also allowed by order dated 06.04.2017 on payment of Rs.2,000/- as cost. Again, the petitioners failed to pay the cost and subsequently, the present application for extension of time under Section 148 of CPC in IA.No.511 of 2018 has been filed.

4. It is seen from the records, the petitioners' attitude only to drag the proceedings and nothing else. They have not stated any reason for extension of time for payment of cost. Earlier also, they failed to pay cost of Rs.500/- and subsequently they also failed to pay cost of Rs.2,000/- while allowing the petition to set aside the exparte decree. That apart, the petitioners also filed suit for declaration, injunction and mandatory injunction as against the respondents in respect of the very same property and it is pending in OS.No.150 of 2015 on the file of the District Munsif Court, Dharmapuri, which is pending. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.



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5. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.01.2023

Speaking/non-speaking
Index : Yes/No
Internet : Yes
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To
The District Munsif Court,
Dharmapuri



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G.K.ILANTHIRAIYAN, J.

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