



C.R.P.No.2886 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2886 of 2019

Dhanalakshmi

... Petitioner

Vs.

Savithiri

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 15.04.2019 in I.A.No.664 of 2018 in C.F.R.No.7195 of 2018 on the file of the Sub Court, Sathiyamangalam.

For Petitioner : Mr.Mr.P.Manish
For Mr.V.P.K.Gowtham
For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 15.04.2019, passed by the learned Subordinate Judge, Sathiyamangalam, in I.A.No.664 of 2018 in C.F.R.No.7195 of 2018, thereby dismissing the petition filed by the petitioner to condone the delay in payment of deficit Court fee.



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2. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed suit for specific performance as against the respondent. However, it was returned for deficit Court fees. The plaintiff was re-presented the plaint with the delay of 791 days along with the deficit Court fee for the reason that the stamp papers were mingled with other papers. Therefore, the plaint was not re-presented in time with correct Court fee. However, the trial Court dismissed the condone delay petition as against which the present Civil Revision Petition.

3. Heard Mr.P.Manish, learned counsel appearing for the petitioner. Though notice served on the respondent, no one is present either in person or through counsel.

4. Considering the facts and circumstances, the petitioner may be given one more opportunity to proceed with the suit. Accordingly, order dated 15.04.2019, passed by the learned Subordinate Judge, Sathiyamangalam, in I.A.No.664 of 2018 in C.F.R.No.7195 of 2018, is hereby set aside and the delay is condoned.



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WEB COPY 5. Accordingly, the Civil Revision Petition stands allowed. There shall be no order as to costs.

10.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The Subordinate Judge,
Sathiyamangalam.



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G.K.ILANTHIRAIYAN, J.

rts

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