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C.R.P. (PD) No.782 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.782 of 2024

1. Natarajan
2. Kumaravel
3. Devaraj
4. Krishnan
5. Dhanasekar

.. Petitioners/Petitioners/Defendants

Versus

Venkatesan
Respondent/Respondent/Plaintiff

..

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.794 of 2017 in I.A.No.1378 of 2015 in O.S.No.333 of 2015 dated 19.12.2021 on the file of the VII Assistant City Civil Court, Chennai.

For the Petitioners : Ms.Raji

For the Respondent : Mr.V.Sivaraman



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ORDER

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This Civil Revision Petition arises against the Order passed by the learned Principal District Munsif, Gingee in I.A.No.794 of 2017 in I.A.No.1378 of 2015 in O.S.No.333 of 2015.

2. The suit in O.S.No.333 of 2015 has been instituted by the sole respondent herein. Pending the suit, the respondent filed an application for an Order of interim injunction in I.A.No.1378 of 2015. In the said application, the civil revision petitioners were set exparte on 30.06.2016. In order to set aside the exparte Order, they took out an application Order IX Rule 7 of CPC. The said application stood allowed on 19.02.2021 on the condition that the petitioners pay a sum of Rs.500/- on or before 24.02.2021 to the respondent/plaintiff. The matter was called on 25.02.2021. As the amount was not paid, the application came to be dismissed. Against which the present Revision Petition.

3. Heard Ms.Raji, for the civil revision petitioners and Mr.V.Sivaraman, for the respondent.



4. This is a simple application under Order IX Rule 7 of CPC.

The Court has found that the defendants have made out good case. However, in order to balance the interest of both sides, it imposed a cost of Rs.500/-. Ms.Raji would plead that on account of pandemic caused by COVID 19, the counsel did not pay the amount to the respondent, which resulted in dismissal of the petition.

5. Mr.Sivaraman would submit that the entire idea of the defendants is only to drag on the matter. They deliberately failed to pay the amount, though the Court had granted an opportunity.

6. I considered the submissions on either side.

7. The learned trial Judge had found good cause and allowed the application. It is not in dispute that from 15.03.2020 to 30.04.2022 the country was reeling from the effects of COVID 19. If the cost had not been paid, perhaps, as argued by Ms.Raji, it is due to the result of pandemic. However, as stated by Mr.Sivaraman, defendants have not been diligent enough to follow the Orders that have been passed in their favour. Therefore,



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though this revision is filed against the Order dated 19.02.2021, the effective order is passed on 25.02.2021, the said Order is set aside on the condition that the petitioners shall pay a sum of Rs.3000/- to the respondent on or before 30.08.2024. In case, the cost is not paid, the benefit of this Order will not enure to the civil revision petitions. In case, the cost of Rs.3000/- is paid, the learned Principal District Munsif at Gingee is requested to expedite the proceedings as the suit is pending for more than 8 years.

20.08.2024

vrc

Index : Yes / No

Internet: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The Principal District Munsif, Gingee.



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V.LAKSHMINARAYANAN, J.

VTC

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