



W.A.No.830 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. The Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat, Chennai – 600 009.
 2. The Managing Director
Tamil Nadu Medical Services Corporation Ltd.
No.417, Pantheon Road
Egmore, Chennai – 600 008. .. Appellants
- Vs.
- Modern Laboratories
Rep. by V.Thyagarajan
General Manager, 45-47, Sector D-2
Sanwer Road, Indur – 452 015
Madhya Pradesh. .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 19.02.2024 in W.P.No.32882 of 2023.



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For the Appellants : Mr.R.Raman Lal
Additional Advocate General
assisted by Mr.P.Harish
Government Advocate
For the Respondent : Mr.Suresh

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.R.Raman Lal, learned Additional Advocate General,
assisted by Mr.P.Harish, learned Government Advocate for the
appellants and Mr.Suresh, learned counsel for the respondent.

2. The present appeal is filed against the imposition of costs.

3. It is submitted by the learned Additional Advocate General
that the matter is of the year 2023 only. The first appellant/first
respondent therein is a formal party, however, cost is also imposed
upon the first appellant.

4. From the order, it appears that, last chance was granted for
filing counter and still after giving last chance, counter was not filed



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and the court imposed costs as adjournment was sought to file counter.

5. The court observed as under:

“3. A last chance has been given for filing counters by today, despite which, no counters have been filed thus far. Thus, respondents are put to terms and costs of Rs.10,000/- per counter is payable to Blue Cross, Eldams Road, Chennai. Counters will be received prior to the next date of hearing, with a copy served in advance upon the order side with proof or remittance of cost as aforesaid.”

6. It is for filing counter, cost has been imposed. It is for the appellants to file counter or not. In view of that, since no counter was filed even after giving last chance, the appellants were put to terms, as such, we are not inclined to exercise our discretion over and above the discretion already exercised by the learned Single

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Judge. As on merits, we are not inclined to grant relief, we have not gone into the maintainability of the appeal.

7. The writ appeal, accordingly, stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.5752 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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