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C.R.P.[NPD].No.4692 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.4692 of 2024 & CMP.No.26247 of 2024

R.Vetrivel
Prop. M/s.Design Scape
No.61, 1st Street, N.S.Garden,
R.A.Puram, Chennai – 28.

. . . Petitioner

Versus

1. D.Gunasundari
2. D.Dhandapani
3. G.Malini
4. A.Aishwarya

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside and revise the impugned Order dated 19.01.2024 made in I.A.No.06 of 2023 in O.S.No.1521 of 2022 on the file of the XVIII Additional Judge, City Civil Court.

For petitioner : Mr.S.R.Sundaram



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C.R.P.[NPD].No.4692 of 2024

ORDER

Challenging the Order of the trial Court in allowing the application filed by the revision petitioner by imposing a cost of Rs.10,000/- while setting aside the exparte Order passed against the revision petitioner, this Civil Revision Petition has been filed.

2. In the suit filed by the respondent in O.S.No.1521 of 2022, the trial Court considering entire circumstances, infact, allowed the application filed by the petitioner to set aside the exparte decree passed against him with a cost of Rs.10,000/-. Challenging the same, the present revision petition has been filed.

3. At the outset, this Court is of the view that the impugned Order is not an onerous one. In fact, the revision petitioner has been given an opportunity to contest the suit. As the cost is not an onerous one, filing the



C.R.P.[NPD].No.4692 of 2024

present Civil Revision Petition itself indicate that only in order to delay the proceedings, challenge has been made. Hence, I do not find any merits in this Civil Revision Petition. However, time for payment of the cost is extended for another two weeks from today. On payment of the cost by the revision petitioner, the trial Court shall proceed with the suit.

4. With the above direction, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

20.11.2024

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc



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C.R.P.[NPD].No.4692 of 2024

N. SATHISH KUMAR, J.

VTC

C.R.P.[NPD].No.4692 of 2024

20.11.2024