A.Nos.4282 & 4283 of 2024
in
A.Nos.6425 & 6424 of 2023
in
C.S.DR.No.119670 of 2021

RMT.TEEKAA RAMAN, J.

A.No.4282 of 2024 has been filed to set aside the order dated 14.12.2023 passed by the learned Master, High Court of Madras in A.No.6424 of 2023 in C.S.D.No.119670 of 2021.

2.A.No.4283 of 2024 has been filed to set aside the order dated 14.12.2023 passed by the learned Master, High Court of Madras in A.No.6425 of 2023 in C.S.D.No.119670 of 2021.

3.Heard the learned counsel for the Applicant.

4.On perusal of the records, I find that the Suit in the above diary No.119670 of 2021 was filed on 23.12.2021 along with Rs.10,000/- on the stamp, as could be seen from the endorsement made by the Registry. On 12.09.2023, A.No.6424 of 2023 was filed to condone the delay of 607 days in paying the deficit court fee of Rs.1,74,715/- under Section 149 of CPC. Since A.Nos.6424 & 6425 of 2023 were dismissed, the present Applications have been filed.

5.From the papers filed before this Court, I find that the reasons assigned for the delay is Covid 19, the deficit court fee ought to have been filed on or before 03.01.2022, however, as per the judgment of the Hon'ble Supreme Court, exclusion was given upto 28.02.2022 plus 90 days thereafter. Hence, I find that after excluding the time schedule given by the Hon'ble Supreme Court, Applications under Section 149 of CPC were filed along with deficit court fee.

6.In the above said factual position, I am inclined to interfere with the orders passed by the learned Master on 14.12.2023.

7.Accordingly, A.Nos.4282 & 4283 of 2024 are ordered by setting aside the order dated 14.12.2023 passed by the learned Master, High Court of Madras in A.Nos.6424 & 6425 of 2023 in C.S.D.No.119670 of 2021. Consequently, A.Nos.6425 & 6424 of 2023 are allowed. Registry is directed to number the C.S.D.No.119670 of 2021, if it is otherwise in order.

02.09.2024

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RMT.TEEKAA RAMAN, J.

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Dated: 02.09.2024