



WEB COPY



W.A.No.315 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.315 of 2024
and C.M.P.No.1945 of 2024

The Sub-Registrar-Joint-III,
Office of the Sub Registrar,
Salem (West), Salem District

...Appellant

Vs.

A.Nilofer Banu

...Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the
order dated 07.12.2023 passed in W.P.No.31084 of 2023.

For Appellant : Mr.L.S.M.Hasan Faizal
Additional Government Pleader

For Respondent : Mr.G.Govardhanan

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

This appeal has been filed challenging the order of the learned Single
Judge for imposing costs of Rs.25,000/- on the appellant for not having filed
their counter in time.



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2. We find that the writ petition was filed on 25.10.2023 and the order imposing costs was passed on 17.11.2023. A period of eight (8) weeks time is available to the respondent to file their counter under the Madras High Court Writ Rules, 2021. Admittedly, eight(8) weeks time has not lapsed. Therefore, penalising the respondent with costs appears to be little harsh. Hence, we are unable to sustain the order passed by the learned Single Judge.

3. Accordingly, the Writ Appeal stands allowed and the order dated 07.12.2023 passed in W.P.No.31084 of 2023 stands set aside. No costs. Consequently connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
03.07.2024

msv

Internet : Yes / No

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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