



C.R.P.PD(MD)No.352 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.PD(MD).No.352 of 2020

&

C.M.P(MD).No.2000 of 2020

Selvaraj High School
rep by its Secretary
Mr.Udhya Chandran
Membalam
Thanjavur District

... Petitioner

Vs.

Kannan

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 07.01.2020 made in I.A.No. 108 of 2019 in O.S.No.183 of 2018 on the file of the Principal Subordinate Judge, Thanjavur.

For Petitioner : Mr.G.Karnan

For Respondent : No Appearance



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ORDER

This Civil Revision Petition is directed against an order passed in I.A.No.108 of 2019 in O.S.No.183 of 2018 on the file of the Court of Principal Sub-ordinate, Thanjavur.

2. The notice ordered by this court was ordered to be served on the address mentioned in the plaint. But the same could not be served as the door was locked for more than 10 months as reported by the Central Nazir by report dated 17.09.2020.

3. According to the learned counsel for the petitioner, the suit proceedings are going on and the respondent is contesting the said suit and it is also brought to the notice of the learned trial court about the pendency of the Civil Revision Petition and the respondent is fully aware about pendency of the Civil Revision Petition but intentionally he is avoiding to enter appearance in this matter.

4. Considering the above, this court is inclined to consider the



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matter on merits. The application filed by the petitioner to receive a rejoinder in response to the written statement filed by the respondent herein was permitted to be received by an order dated 17.12.2019, but the learned trial court imposed a cost of Rs.300/- payable on or before 06.01.2020. As the said amount was not paid the application in I.A.No.108 of 2019 stood dismissed. Aggrieved by the order dated 17.12.2019 in I.A.No.108 of 2019. The Present Civil Revision petition has been filed.

5. The learned trial court having found it fit to allow the said I.A.NO.108 of 2019 permitted the petitioner here in to file written statement. Considering the contention of the respondent that the written statement was filed on 23.11.2018 and on the petition to receive rejoinder statement is filed belatedly, the learned Trial court appears to have imposed costs of Rs.300/-. But from the perusal of the materials placed on record and according to the learned counsel for the petitioner herein, the written statement was filed on 17.10.2018 but not on 23.11.2018 as mentioned in the order under revision and the petition to receive the rejoinder statement was filed on 28.11.2018 i.e within a short time after filing of the written statement but not belatedly. This



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court is also convinced with the submissions made by the learned counsel for the petitioner on perusing the material on record. Hence, imposing cost of Rs. 300/- on the assumption that the said application to receive the rejoinder statement was filed belatedly is totally erroneous. The order under revision is set aside to the extent of imposing costs of Rs.300/- and rejoinder statement filed along with I.A.No.108 of 2019 shall be taken on record. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024.

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Principal Subordinate Judge, Thanjavur



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MUMMINENI SUDHEER KUMAR, J.

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