



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 2035 of 2025

and

CMP No.11878 of 2025

1. V. Mohan

Petitioner(s)

Vs

1. A. Prakasam

2.The Superintendent Engineer
TNEB, Mettur Town, Erode.

3.Assistant Engineer
TNEB, Salangapalayam, Bhavani
Taluk, Erode.

Respondent(s)

PRAYER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the docket order dated 14.10.2024 passed in IA Sr.No.43 of 2024 in IA No.5 of 2023 in OS No.17 of 2021 on the file of the learned District Munsif Court, Bhavani and consequently direct the District Munsif Court, Bhavani to allow the application sought for extension.



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For Petitioner(s): A.Manojkumar

For Respondent(s): Ms. M.Adhisree,
for R1
Mr.S.T.Raja,
Standing Counsel
for R2 And R3

ORDER

Challenge has been made to the order of returning the petition seeking direction to number the application filed for enlargement of time.

2. The suit in O.S.No.17 of 2021 on the file of the District Munsiff, Bhavani has been originally filed by the revision petitioners for permanent injunction, which was dismissed for default on 05.01.2023. Therefore, an application has been taken out by the revision petitioner in I.A.No.5 of 2023 in O.S.No.17 of 2021 for restoration of the suit. The said application was allowed on 09.07.2024 with a condition to pay a sum of Rs.1,000/- as cost on or before 15.07.2024. However, the said cost was not paid within the stipulated time. Thereafter, another application has been taken out to extend the time for

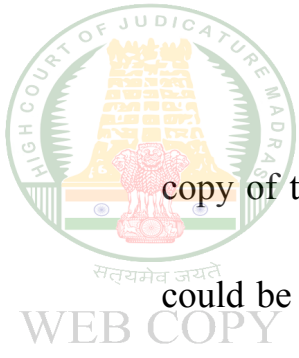


payment of cost, but the same has been returned by the Trial Court on the ground that the petition to extend the time has not been filed within the time fixed by the Court. Challenging the said return, the present revision has been filed.

3. Heard both sides and perused the materials available on records carefully.

4. Considering the nature of the suit, merely on some negligence on the part of the parties for not paying the cost, this Court is of the view that substantial right of the parties cannot be shut at the initial stage itself. The suit itself is filed for permanent injunction. The right of the parties has to be decided only in the suit. Though there was lethargic attitude of the plaintiff, this Court is inclined to set aside the order of dismissal on payment of cost.

5. Accordingly, the Civil Revision Petition is allowed and the revision petitioner shall pay a sum of Rs.5000/-(Rupees five thousand only) directly to the first respondent within a period of two weeks from the date of receipt of a



copy of this order. If the same has not been received by the first respondent, it could be deposited before the Trial Court. After the cost is paid, the suit is to be restored and the Trial court is directed to dispose of the case within a period of three months thereafter. No costs. Consequently, connected miscellaneous petition is allowed.

14-07-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The District Munsif Court, Bhavani.



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N.SATHISH KUMAR J.

mrp

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