



WEB COPY

CRP No. 2382 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 2382 of 2025

and CMP No.13783 of 2025

Maniratnam

..Petitioner

Vs

Govindammal

..Respondent

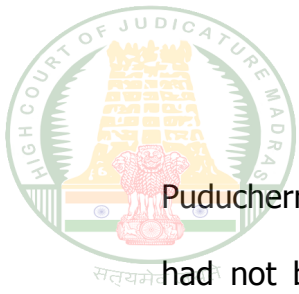
Prayer : Civil Revision Petition under Article 227 of the Constitution of India praying to set aside the docket order dated 13.03.2025 passed in IA No.6 of 2025 in OS No.1041 of 2023 by the learned III Additional District Munsif at Pondicherry.

For Petitioners : Mr.P.Suresh Babu
For Respondent : Mr.B.Bala Vijayan

ORDER

The revision petition has been filed challenging the docket order dated 13.03.2025 refusing to extend the time for payment of costs awarded by the trial court in the application filed by the revision petitioner to set aside the exparte order.

2. I have gone through the affidavit filed in I.A.No.4 of 2024 and heard the learned counsel for the parties. Learned counsel states that though the application to set aside the exparte order came to be allowed on condition to pay costs of Rs.1000/- . In view of the transfer of the suit from II Additional District Munsif Court,



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Puducherry to III Additional District Munsif Court, Puducherry, the petitioner who had not been put on notice of the transfer, had no occasion to know the costs imposed for the application being allowed and consequently I.A.No.4 of 2024 came to be dismissed. The trial Court has dismissed the application only on the ground that the Section 148 petition is not maintainable since the respondent has been set exparte. The Trial Court ought to have seen that I.A.No.4 of 2024 was in fact allowed subject to payment of costs. While so, the Trial Court was clearly in error in finding that since the petitioner has already been set exparte, he could not have maintained the application for extension of time. Learned counsel for the petitioner further states that despite the conditional order being passed way back on 11.07.2024, only after a lapse of grant of eight months alone, the application for extension of time has been filed and it is clearly not a bonafide attempt on the part of the revision petitioner.

3. Admittedly, the application seeking to set aside the exparte order was allowed by a judicial order considering the nature of the suit and the interest of the parties involved therein. However, while allowing the application on payment of costs has been imposed. Admittedly, the said costs has not been paid by the petitioner. However, the reasons assigned by the petitioner for non payment of costs appears to be just and reasonable. In order to give an opportunity to the revision petitioner to contest the suit, I am inclined to allow the revision. At the same time the costs imposed at Rs.1000/- having not been paid in time and the application having been taken after a lapse of more than eight months, I am inclined



to impose a further costs of Rs.2000/- (Rs.3000/- in all) to be paid to the respondent in the revision within a period of two weeks from the date of receipt of a copy of this order. On such proof of payment, the trial Court shall frame issues in the suit and expedite the trial and dispose of the suit within six months thereafter.

4. The Civil Revision Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

25-07-2025

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The III Additional District Munsif at Puducherry.



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P.B.BALAJI, J.

KST

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