



C.R.P.(PD)(MD)Nos.656 & 657 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 20.03.2025

CORAM

**THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR**

**C.R.P.(PD)(MD)Nos.656 & 657 of 2025**

**and**

**C.M.P(MD)Nos.4392 & 4394 of 2025**

**C.R.P.(PD)(MD)No.656 of 2025**

1.S.M.Jayanthi

2.M.Padma

3.R.Sudharani

... Petitioner/Respondent/Petitioner

Vs.

1.P.Subashini

2.N.Ravi @ Meta Ravi

... Respondent/Petitioner/Respondent

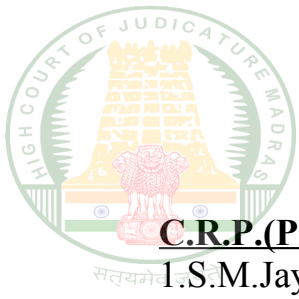
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 10.01.2025, passed by the Principal District Court, Dindigul, Dismissing the IA.No.17/2024 in OS.No. 231/2021 for non payment of cost and grant petitioners time to pay the cost of Rs.500/- per interim application to the 1<sup>st</sup> respondent.

For Petitioners : Mr.J.R.Jayant

for Mr.K.Saravanan

For Respondents : Mr.B.S.Manjunath for R1

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...Petitioner/Respondent/Petitioner  
Vs.

1.P.Subashini

2.N.Ravi @ Meta Ravi

... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 10.01.2025 passed by the Principal District Court, Dindigul, Dismissing the I.A.No.18/2024 in OS.No. 231/2021 for non payment of cost and grant petitioners time to pay the cost of Rs.500/- per interim application to the 1<sup>st</sup> respondent.

For Petitioners : Mr.J.R.Jayant  
for Mr.K.Saravanan

For Respondents : Mr.B.S.Manjunath for R1

**COMMON ORDER**

The defendants 1 to 3 in O.S.No.231 of 2021, on the file of the Principal District Court, Dindigul, have filed the present revision petitions, challenging the dismissal of I.A.Nos.17 & 18 of 2024, for non-payment of cost.

2.A perusal of the records reveal that the respondents herein had filed the above said suit for the relief of partition and separate possession. At the stage of arguments, the defendants 3 to 5 have filed I.A.No.17 of 2024, to recall P.W.3, for cross examination and I.A.No.18 of 2024, for reopening the defendant side



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evidence. These two applications came to be allowed by the trial Court by way of an order dated 03.01.2025, on condition that the revision petitioners herein should pay the cost of Rs.500/- in each one of the applications within a period of three days. Since the cost was not paid, these two applications came to be dismissed on 10.01.2025. Challenging the said orders, the present revision petitions have been filed.

3.According to the learned Counsel appearing for the revision petitioners, Counsel from Madurai, is appearing before the Dindigul Court, on behalf of the defendants 3 to 5. Therefore, they have followed e-Court orders. When they verified the e-Court order, dated 03.01.2025, it reflects that no orders were passed in I.A.Nos.17 & 18 of 2024, and it was simply adjourned to 10.01.2025. However, on 10.01.2025, e-Court diary reflects that since the cost of Rs.500/- has not been paid, both the petitions have been dismissed and it was posted for arguments.

4.According to the petitioners, there was no negligence on the part of the revision petitioners in payment of cost as directed by the Court. They were carried away by the e-Court order and therefore, he prays for allowing the revision petitions and they are now ready to pay the cost.



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5.Per contra, the learned Counsel appearing for the respondents herein had contended that before filing of the revision petitions, the revision petitioners have already filed I.A.Nos.19 & 20, before the trial Court for extension of time for payment of the cost. When they have already approached the trial Court seeking extension of time for payment of the cost, the question of moving this Court, challenging the orders passed in I.A.Nos.17 and 18 of 2024 is not legally sustainable. He further contended that they have already applied for a certified copy of the orders passed in I.A.Nos.17 & 18 of 2024 on 03.01.2025, in order to challenge the said orders before this Court. In case, if permission is granted to the revision petitioners for payment of cost, liberty may be granted to them to challenge these two orders in the manner known to law.

6.I have considered the submissions made on either side and perused the materials available on record.

7.The applications filed by the revision petitioners in I.A.Nos.17 & 18 of 2024, though were allowed on 03.01.2025, on payment of cost of Rs.500/- in each one of the applications, it was not reflected in the e-court diary. Being carried away by the e-Court diary, the cost has not been paid in time. In such



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circumstances, this Court is of the considered opinion that the trial Court was not right in dismissing the applications on 10.01.2025, on the ground that the cost was not paid in time.

8.The learned Counsel appearing for the revision petitioners has paid the cost to the learned Counsel appearing for the respondents today. He has accepted the said cost without prejudice to his right to challenge the orders passed in I.A.Nos.17 & 18 of 2024, dated 03.01.2025. It is made clear that the respondents/plaintiffs are entitled to challenge the order, if they are so advised.

9.In view of the payment of the cost in I.A.Nos.17 & 18 of 2024, the order passed by the trial Court on 10.01.2025, is hereby set aside, in view of the compliance of the order, dated 03.01.2025.

10.With the above said observations, both the Civil Revision Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

**20.03.2025**

Internet:Yes/No

Index:Yes/No

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**R.VIJAYAKUMAR, J.**

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To

The learned Principal District Judge, Dindigul.

**Copy to:-**

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court, Madurai.

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**20.03.2025**