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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)Nos.1177 & 1178 of 2025

and

C.M.P(MD)Nos.6305 & 6306 of 2025

C.R.P.(NPD)(MD)No.1177 of 2025

N.Jeyalakshmi

...Petitioner/Petitioner/1st Defendant

Vs

1.Vinoth Prakashkumar

2.K.Ganesan

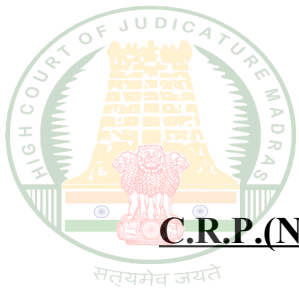
...Respondents/Respondents/Plaintiffs 1 & 2

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order passed in I.A.No.2 of 2025 in O.S.No.87 of 2017, dated 01.03.2025, on the file of the Additional District Court, Virudhunagar, by allowing this C.R.P.

For Petitioner : Mr.B.Azhagesh

For Respondents : M/s.Porkodi Kannan for
M/s.Polax Legal Solution for R1
No appearance for R2

* * * * *



C.R.P.(NPD)(MD)No.1178 of 2025

N.Jeyalakshmi

...Petitioner/Petitioner/1st Defendant

Vs

1.Vinoth Prakashkumar

2.K.Ganesan

...Respondents/Respondents/Plaintiffs 1 & 2

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order passed in I.A.No.3 of 2025 in O.S.No.87 of 2017, dated 01.03.2025, on the file of the Additional District Court, Virudhunagar, by allowing this C.R.P.

For Petitioner : Mr.B.Azhagesh

For Respondents : M/s.Porkodi Kannan for
M/s.Polax Legal Solution for R1
No appearance for R2

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COMMON ORDER

The first defendant in O.S.No.87 of 2017, on the file of the Additional District Court, Virudhunagar, has filed these two revision petitions, challenging the dismissal of I.A.Nos.2 & 3 of 2025.

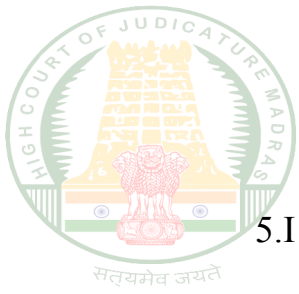
2.A perusal of the records reveal that the suit has been filed for the relief of declaration of title, recovery of possession and for mesne profits. After the evidence on the side of the plaintiffs was closed, the defendant has filed I.A.No.



2 of 2025, to re-open the plaintiff side evidence and I.A.No.3 of 2025, to re-call P.W.2, for cross examination. These two applications came to be allowed on 01.03.2025, on payment of costs to the plaintiff. The cost has to be paid on or before 04.03.2025. Since the cost was not paid on the said date, these two applications came to be dismissed on 06.03.2025. Challenging the same, the present revision petitions have been filed.

3. According to the learned Counsel appearing for the revision petitioners, they have not properly noted down the last date for payment of cost amount and therefore, these applications came to be dismissed for non-payment of costs. Now, they are ready to pay the cost to the learned Counsel appearing for the plaintiff before the trial Court.

4. Per contra, the learned Counsel appearing for the respondents herein has contended that the suit was posted for cross examination of P.W.2 on several occasions. Only due to the fault of the defendants, the plaintiff side evidence was closed. He has further pointed out that the suit was posted for letting in evidence on the side of the defendants, again they have taken time.



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

6.Considering the fact that the cost was not paid in time and the undertaking given by the learned Counsel appearing for the revision petitioners that they would pay the cost, this Court is inclined to allow these two revision petitions. The costs shall be paid by the revision petitioner herein to the learned Counsel appearing for the plaintiff before the trial Court on or before **06.06.2025**. On payment of such costs, the application will stand allowed. The trial Court is directed to dispose of the suit on or before **30.09.2025**.

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

29.04.2025

Internet:Yes/No
Index:Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned Additional District Judge,
Virudhunagar.

Copy to:-

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

**C.R.P.(NPD)(MD)Nos.1177 &
1178 of 2025**

29.04.2025