



C.R.P. No. 174 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

C.R.P. No. 174 of 2026

and

C.M.P. No. 746 of 2026

Kumaresan

... Petitioner

Vs.

1.Kavitha

2.Divyabharathi

... Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 17.11.2025 made in I.A. No. 7 of 2025 in I.A. No. 6 of 2025 in O.S. No. 93 of 2015 on the file of the Additional District Court, Attur.

For Petitioner : Mr. T. Murugamanickam,
Senior Counsel
for Ms. Zeenath Begum

ORDER

The Civil Revision Petition has been filed challenging the order of the learned Additional District Court, Attur, dated 17.11.2025, passed in I.A. No. 7 of 2025 in I.A. No. 6 of 2025 in O.S. No. 93 of 2015.



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2. The applicant is the 2nd defendant, who had filed an application to deposit back the costs received by him pursuant to the order passed in the application filed by him in I.A.No.7 of 2025.

3. The learned counsel for the applicant submitted that the plaintiffs had already filed an application in I.A.No.6 of 2025 to amend the plaint, to which the defendant had raised an objection on the ground that it was barred by limitation. After holding that the period of limitation is 12 years, the Court passed an order allowing the application on payment of costs of Rs.15,000/-.

4. It is submitted by the learned counsel for the revision petitioner that the above amount was received from the learned counsel for the plaintiffs without proper instructions and therefore, the applicant intends to challenge the order passed in the amendment application.

5. It is further submitted that the receipt of costs was purely due to a mistake on the part of the counsel, for which the party should not be affected.



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6. On perusal of the affidavit filed along with the applications in I.A. Nos. 6 and 7 of 2025, it is evident that the applicant has not stated anything about the mistake on the part of the counsel. As the applicant chose to return the amount only after receiving it and upon having second thoughts, the Court does not incline to allow the application. Once the costs are ordered and received by the party, knowing pretty well that the amount was awarded as costs, the party cannot thereafter approach the Court on another day and state that he is not inclined to receive the costs and seek permission to file an appeal against the order passed allowing the petition on payment of costs.

7. As I find no grounds to entertain the present Civil Revision Petition, the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

27.01.2026

AT
Index : Yes/No
Speaking/Non-speaking order

To
The Additional District Court, Attur.

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Dr. R.N.MANJULA, J.

AT

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