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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.6733 of 2026

CNR: {HCMA012449722026}

N.Pandiyan
S/o. Late Natarajan
Door No.313,
Light House Road,
Coimbatore-641 001

...Petitioner

Vs

R.Ganapathy
S/o. Raman
19, Angamuthu Gounder Street
Kurichi, Coimbatore-641 023.

...Respondent

PETITION under Article 227 of The Constitution of India against the petition and order dated 10.4.2026 passed in I.A.No.1 of 2025 in O.S.No.671 of 2022 on the file of the Second Additional Subordinate Court, Coimbatore.

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For Petitioner: Mr.S.Kavin

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the order dated 10.4.2026 passed in I.A.No.1 of 2025 in O.S.No.671 of 2022 on the file of the Second Additional Subordinate Court, Coimbatore (for short, the Court below) wherein the application filed by the petitioner/plaintiff to condone the delay of 4 days in filing the application to restore the said suit, came to be dismissed on the ground that the cost imposed by the Court below, while allowing the said application, was not paid on time.

2. Heard the learned counsel appearing for the petitioner.

3. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials available on record and more particularly the impugned order.

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4. The petitioner, who is the plaintiff, filed the said suit seeking for the relief of recovery of possession and for other reliefs. The said suit came to dismissed for default on 21.3.2023. Hence, the said application was filed under Section 5 of the Limitation Act seeking to condone the delay of 4 days in filing the application to restore the said suit.

5. The Court below allowed the said application on 30.3.2026 with a condition that the petitioner/plaintiff should pay cost of Rs.500/- to the respondent/defendant on or before 10.4.2026. Since the cost was not paid on time, the Court below dismissed the said application on 10.4.2026. Aggrieved by that, the above civil revision petition has been filed before this Court.

6. In the considered view of this Court, considering the nature of relief sought for by the petitioner/plaintiff, an opportunity must be given to the petitioner/plaintiff to contest the said suit. Hence, this Court is inclined to enhance the costs to Rs.2,500/-.

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7. Accordingly, the above civil revision petition is disposed of with a direction to the petitioner/plaintiff to pay a sum of Rs.2,500/- (Rupees two thousand and five hundred only) towards costs to the respondent/defendant or his counsel appearing before the Court below on or before 04.11.2026. If the cost imposed by this Court is paid, the said suit shall be restored by the Court below and shall be proceeded further in accordance with law. If the cost imposed is not paid within the time fixed by this Court, the order dated 10.4.2026 passed in I.A.No.1 of 2025 in O.S.No.671 of 2022 on the file of the Second Additional Subordinate Court, Coimbatore shall stand revived.

27-10-2026

To
The Second Additional Subordinate
Court, Coimbatore.

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