

IN THE COURT OF SUBORDINATE JUDGE, METTUR

Present: Thiru. R.Saravana Babu, B.A., L.L.B.,

Subordinate Judge, Mettur

Tuesday, the 18th day of November 2025

I.A.No. 3 / 2023

in

IA.No.2 /2023

in

HMOP. No. 64/2022

Ponnarasu

... Petitioner / Petitioner /Respondent

/ Versus /

Oviya

... Respondent / Respondent /Petitioner

This application coming up for final hearing on 18.11.2025 before this Court in the presence of Thiru.V.Manikandan, Counsel for Petitioner, and Thiru.I.K.Sadhasivam, Advocate for the respondent, upon both side hearing the arguments and perusing the records, having stood over for consideration till this date, this Court delivered the following:

ORDER

The Petitioner has filed this Petition Under Section 148 and 151 of CPC

2. The Brief facts of the petition :

The petitioner is the respondent in the main application. The petitioner has stated that, the court has passed order in IA No.2/2023 to pay a amount of Rs.500/- to the respondent and it has been refused by the respondent to receive the amount of Rs.500/- . On refusal of the respondent, the petitioner has sought a permission to deposit the amount of Rs.500/- before this court by way of filing lodgment schedule. Due to his innocence, he is not able to file the lodgment schedule before this court in time and it is neither wanton nor willful. Hence, the petitioner has prayed to allow the application.

3. The Brief facts of the Counter Statement :

The respondent has stated that the petition filed by the petitioner is false, frivolous and not maintainable under the law and on facts. The respondent has stated that the petitioner has been filed to condone the delay of 232 days to file the lodgment schedule.

The petitioner has to pay the cost on or before 27.04.2023 but, it was not paid by the petitioner in time. Hence, the respondent has refused to receive the amount. Even though court has permitted to pay the amount, the petitioner not interested to pay the amount on the hearing dates such as 28.07.2023, 03.11.2023, 13.12.2023. The petitioner also failed to mention the day of delays and failed to state the bonafide reasons for the delay. Hence, the respondent prayed to dismiss the petition.

4. Now the point for consideration is that:

Whether the application filed under section 148 and 151 of CPC is allowed or not?

5. Heard the both sides and documents perused.

6. Point:

(1) The petition has been filed by the petitioner under section 148 and 151 of CPC to permit the petitioner to remit the cost of Rs.500/- before the court through lodgment schedule as per the order passed in the IA No. 2/2023. It was resisted by the respondent stating that the petitioner has failed to mention the day of delays and did not state any bonafide reasons to condone the delay in filing lodgment schedule before the court.

(2) On careful perusal of the records, it is found that the petitioner has filed an I.A.No. 2/2023 to set aside the exparte order dated 10.02.2023 against the petitioner. It is further found that, this court has ordered the petitioner to pay the cost of Rs.500/- on or before 27.04.2023. It is further found that memo has been filed by the petitioner that the respondent has failed to receive the cost of Rs.500/- and same was accepted and directed the petitioner to deposit the cost of Rs.500/- before this court through lodgment schedule. Thereafter, the petitioner has not paid the cost and filed application under section 148 & 151 of CPC to enlarge the time to deposit the cost of Rs.500/- before the court.

3) It is pertinent to note down that the petition has been filed only for the extension of time to deposit the cost of Rs.500/- before the court. If this petition is allowed, there is no prejudice would caused to the respondent. Considering the nature and circumstances of the case, and also applying the principles of natural justice, this court is inclined to grant

one week time to the petitioner to deposit the cost of Rs.500/- by way of filing lodgment schedule in the office of the court. If the petitioner fails to deposit the cost of Rs.500/- before the court on or before 25.11.2025, the petition shall be dismissed automatically.

7. In the result, the petition is allowed with above conditions. No cost.

Dictated to typist and computerized by her, and corrected and pronounced by me in the open court, this the 18th day of November 2025.

**Subordinate Judge,
Mettur**

Petitioner / Petitioner/ Respondent Side Exhibits and Evidence : Nil.

Respondent/Respondent/Petitioner Side Exhibits and Evidence : Nil.

**Subordinate Judge,
Mettur**