

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1293 of 2014
and M.P.Nos.1 & 2 of 2014

Mint Hospital
Partnership Firm rep by its Partners,
1.Dr.C.Arumugam
2.Dr.K.Pari

... Petitioners

Vs.

1.K.A.Abul Hassan
2.S.M.Subuhana Begum
3.Faridha Begum
4.Syed Ibrahim

5.Abdul Rahim ... Respondents
(Respondents 2 to 5 are represented by their Power Agent 1st Respondent)

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 25.03.2014 passed in E.A.No.22 of 2014 in E.P.No.79 of 2014 in R.C.O.P.No.2168 of 1998 on the file of the X Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.Sriram Panchu, Senior Counsel
for Mr.Arun Anbumani

For Respondents : Mr.R.Krishnamurthi, Senior Counsel
Mr.A.Palaniappan for Ms.A.Shanthi

ORDER

The petitioner has filed an application under Order 21 Rule 97 read with Section 47 of the Civil Procedure Code in E.A.No.22 of 2014 in E.P.No.79 of 2014 in R.C.O.P.No.2168 of 1998 on the file of the X Judge, Court of Small Causes, Chennai.

2.Since appeal remedy is available to the petitioner challenging the said application, the learned counsel for the petitioner sought the permission of this Court to withdraw the Civil Revision Petition with liberty to file an appeal before the appropriate Court.

3.Mr.Sriram Panchu, the learned senior counsel appearing for the petitioner submitted that the petitioner may be granted three weeks time for filing the appeal as against the order passed in E.A.No.22 of 2014.

4.Mr.R.Krishnamurthi, the learned senior counsel appearing for the respondents submitted that they have no objection for granting three weeks time for filing an appeal as against the said order.

5.However, Mr.R.Krishnamurthi, the learned senior counsel for the respondents submitted that the Appellate Court may be directed to dispose of the appeal to be filed by the petitioner challenging the order passed in E.A.No.22 of 2014 within a stipulated time, for which Mr.Sriram Panchu, the learned senior counsel for the petitioner has no objection.

6.Having regard to the submissions made by the learned senior counsel on either side, the Civil Revision Petition is dismissed as withdrawn and liberty is given to the petitioner to file an appeal as against the order passed in E.A.No.22 of 2014 before the appropriate Court within three weeks from the date of receipt of a copy of this order.

7.By order dated 01.04.2014, this Court directed the parties to maintain status quo. The order of status quo granted by this Court shall continue to be in force till the expiry of the three weeks time.

8.In the event of an appeal being filed by the petitioner, the Appellate Court is directed to dispose of the appeal within three months from the date of numbering of the appeal. Since the petitioner had

bonafidely prosecuted the Civil Revision Petition before this Court, the Appellate Court is directed to consider the petition for condonation of delay in filing the appeal in favour of the petitioner herein. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes
va

26.11.2015

Note: 1)Issue order copy on 26.11.2015.

2)The Registry is directed to return the certified copies of the fair and decreetal order passed in E.A.No.22 of 2014 to the learned counsel for the petitioner.

To

The X Judge,
Court of Small Causes,
Chennai.

M.DURAISWAMY,J.
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