

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.4477 to 4486 of 2014 &

4021 to 4025 of 2014 &

M.P.Nos.1 of 2014 (10 MPs) in

C.R.P.(NPD)Nos.4477 to 4486 of 2014

CRP (PD) No.4477 /2014

1.Sheroff Kumarasamy Chetty  
Choltry Rep. By its Executive Trustee  
2.V.K.Subramani  
3.V.K.Elumalai  
4.T.Chandran

... Petitioners

v.

1.A.Arumugham  
2.Shanmugham  
3.B.Radhakrishnan  
4.Vasudevan  
5.B.Krishnaveni  
6.T.R.Palani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 04.06.2013 made in I.A.No.378 of 2013 in O.S.No.55 of 1934 on the file of the Subordinate Court, Vellore, Vellore District.

For Petitioners : Mr.A.U.Elango in all CRPs

For Respondents : Mr. G.Jermiah  
for MR.P.Chandasekar for R1 to R3  
in all CRPs

Mr.S.Jayaprakash for – R4 to R6  
in all CRPs

COMMON ORDER

Challenging the orders passed in I.A.Nos. 373, 374, 375, 376, 377, 378, 379, 380, 381 and 382 of 2013 and I.A.Nos. 368, 369, 370, 371 and 372 of 2013 in O.S.No.55 of 1934, on the file of Subordinate Court, Vellore, the petitioners have filed the above Civil Revision Petitions.

2. Heard Mr.A.U.Elango, learned counsel appearing for the petitioners, Mr. G.Jermiah, learned counsel appearing for the respondents 1 to 3 and Mr.S.Jayaprakash, learned counsel appearing for the respondents 4 to 6.

3. Since the issue involved in all these Civil Revision Petitions are one and the same, all these Civil Revision Petitions are decided by this common order.

4. The only contention now raised before this court by the learned counsel appearing for the revision petitioners is that the Trial Court had

passed interim orders in spite of the fact that the petitioners have filed caveat petitions and the same were numbered before the Trial Court. In spite of the caveats being filed by the revision petitioners, without serving notice on the caveators, orders were passed in the applications.

5. It is settled position that in the event of a party obtaining interim order without notice, in spite of caveat being filed, the interim order is liable to be set aside, on this sole ground alone.

6. On a perusal of the materials available on record, it could be seen that the other respondents were duly served, however, caveators i.e., present revision petitioners were not served with notice.

7. In these circumstances, without going into the merits of the case, I set aside the orders passed in the impugned applications filed in O.S.No.55 of 1934 on the file of Subordinate Court, Vellore and remand the matter to the Subordinate Court, Vellore for fresh disposal. The respondents 1 to 3/plaintiffs shall serve notice on the revision petitioners and the Trial Court shall decide the applications after giving opportunities to both the parties. Since the applications are pending for a long time, I direct the Subordinate Court, Vellore to dispose of the applications on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. Mr.A.U.Elango, learned counsel appearing for the

petitioners submitted that the applications filed by the revision petitioners to set aside the ex-parte orders passed by the Trial Court shall be withdrawn by the revision petitioners. The undertaking given by the learned counsel for the petitioners is recorded and the petitioners are directed to withdraw all the applications filed by them to set aside the ex-parte orders.

With these observations, the Civil Revision Petitions are allowed.  
No costs. Consequently, connected miscellaneous petitions are closed.

20.07.2015

Index : No  
Internet : Yes

Note : Issue copy of the order by 22.07.2015

Rj

To

The Subordinate Court,  
Vellore,  
Vellore District.

M. DURAISWAMY,J.,

Rj

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