

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4285 of 2015

and M.P.No.1 of 2015

M/s SURNA INDUSTRIES rep by its
Partners
1.T. Ashok Surana
2.Mrs.Simla Surna
No.17-A (NP) SIDCO Industrial Estate,
Ambattur, Chennai-600 098

.... Petitioner

vs

1. M/s TUNOR Engineering Company,
rep by its Chief Executive Officer,
Mr.K.R. Binumon
No.134/135, Tass Industrial Estate,
SIDCO, Ambattur,
Chennai-600 098

2. M/s SMALL Industrial Development,
Bank of India (SIDBI) rep by its
Manager, No.207, AIEMA Tower,
2nd Floor, 1st Main Road,
Ambattur Industrial Estate,
Ambattur, Chennai-600 098

3. Indian Bank rep by
its Branch Manager,
No.21, North Mada Street,
Mylapore, Chennai-600 004

..... Respondents

Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the order dated 21.09.2015 made in E.A.No.30 of 2015 in E.P.No.55 of 2014 in O.S.No.105 of 2012 on the file of II Additional District Judge, Tiruvallur at Poonamallee.

For Petitioners : Mr.L. Chandrakumar

For 1st respondent : Mr.A. Prakash

For 3rd respondent : Mr.Jayesh B. Dolia

ORDER

Civil Revision Petition filed to set aside the order dated 21.09.2015 made in E.A.No.30 of 2015 in E.P.No.55 of 2014 in O.S.No.105 of 2012 on the file of II Additional District Judge, Tiruvallur at Poonamallee.

2. When the matter came up for hearing on 4.11.2015, Mr.L. Chandrakumar, learned counsel appearing for the petitioners submitted that the valuable machineries are fixed in the suit property and therefore, the first respondent/decreed holder may be directed to maintain status-quo with regard to the machineries. It was also brought to the notice of this Court by the learned counsel for the petitioners that the decreed holder had taken possession of the property along with the machineries.

3. However, the learned counsel appearing for the first

respondent/decreed holder submitted that the decreed holder is not interested in machineries and that the revision petitioners may take up the machineries any time they want.

4. When the matter was taken up for hearing today, it was brought to the notice of this Court that the revision petitioners have not taken possession of the machineries till this date. However, the learned counsel appearing for the first respondent/decreed holder submitted that the first respondent is willing to make arrangement for moving the machineries to the petitioner's place. Mr.L. Chandrakumar, learned counsel appearing for the petitioners also agreed for the proposal made by the first respondent/decreed holder.

5. Mr.Jayesh B. Dolia, learned counsel appearing for the third respondent submitted that the first respondent may put the third respondent on notice with regard to shifting of machineries from the suit property.

6. Having regard to the submissions made by the learned counsel on either side, the first respondent/decreed holder is permitted to shift the machineries from the suit property to the petitioners/judgment debtors' place within a period of one week from the date of receipt of copy of this order.

7. It is also made clear that the first respondent shall put the third respondent on notice with regard to the shifting of machineries to the petitioner's place.

8. In these circumstances, I do not find any merit in the Civil Revision Petition and the Civil Revision Petition deserves to be dismissed. Accordingly, the Civil Revision Petition is dismissed. It is open to the petitioners to work out their remedy before the appropriate forum. No costs. Consequently, connected MP is closed.

26-11-2015

sr

Index:no
website:yes

Note: Issue Order copy on 27.11.2015

To

The II Additional District Court, Tiruvallur at Poonamallee.

M. DURAISWAMY,J.,

sr

CRP (NPD) No.4285 of 2015

26-11-2015