

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.12.2015

CORAM

THE HONOURABLE Ms. JUSTICE R.MALA

C.R.P.(PD).No.4746 of 2015

ICICI Bank Limited,
Cheran Plaza, 1st Floor,
1090, Trichy Road, Coimbatore.

..Petitioner

/vs/

M/s.Warsaw International,
Rep. by its Partner Mr.Raja M.Shanmugam
33B, Vaikkal Thottam, Sheriff Colony,
Tirupur - 641 604.

..Respondent

PRAYER :Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Second Additional Subordinate Judge, Coimbatore to dispose of I.A.No.833 of 2014 in O.S.No.770 of 2010 on the file of the Second Additional Subordinate Judge, Coimbatore at the earliest.

For Petitioner : Mr.H.Karthik Seshadri

ORDER

The petitioner who is the defendant in O.S.No.770 of 2010 has on the file of the Second Additional Subordinate Court, Coimbatore has come forward with this Civil Revision Petition for early disposal of I.A.No.833 of 2014 in

O.S.No.770 of 2010.

2.Learned counsel for the petitioner/defendant submitted that the respondent as a plaintiff filed a suit in O.S.No.770 of 2010 for declaring that Option Confirmation No.OP 194249 to 194320 dated 22.10.2007 is void ab-initio, illegal, in violation of RBI Guidelines, opposed to public policy is a fraud on the plaintiff and unenforceable and not binding on the plaintiff and other various reliefs. He further submitted that originally the suit has been numbered as O.S.No.628 of 2009 and subsequently it was re-numbered as O.S.No.770 of 2010. During the pendency of the suit, the respondent/plaintiff filed I.A.No.833 of 2014 for injunction restraining the petitioner/defendant from taking any action in pursuance of show cause notice dated 28.08.2014 more particularly declaring the petitioner/firm and its partners as “Wilful Defaulters”, wherein the Trial Court has passed the following order:

“In view of the endorsement made by both counsels and also considering the facts and circumstances of the case both parties are directed to maintain status quo till 03.11.2014.

Status quo granted with respect to passing of final orders alone not with respect to enquiry proceedings.”

He would further submitted that thereafter the matter was periodically adjourned and it is pending for the last one year. Hence, he prayed for early disposal.

3. Heard the learned counsel for the petitioner and perused the typed set of papers. Considering the limited nature of the relief as sought for herein, notice to the respondent is dispensed with.

4. Considering the facts and circumstances of the case and since the matter is pending for the past one year, I am of the view that it is a fit case to direct for early disposal. Accordingly, the Presiding Officer, Second Additional Subordinate Court, Coimbatore is directed to dispose of I.A.No.833 of 2014 in O.S.No.770 of 2010 within thirty days from the date of receipt of a copy of this order as per the provision of Order XXXIX Rule 3A of CPC.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

21.12.2015

Index: Yes/No
Internet: Yes/No
cse

To

The Second Additional Subordinate Court, Coimbatore.

R.MALA, J.

cse

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