

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No.2561 of 2016
and
C.M.P.No.13104 of 2016

M/s.U.T.Limited,
Rep. By its G.P.A. Holder,
S.Karthikeyan,
14, Princep Street,
Kolkata - 700 072.

... Petitioner

Vs.

M/s.Interpump Hydraulics India Pvt. Ltd.,
Represented by its Finance Manager,
P.A.Arunachalam,
129, SIPCOT Industrial Complex,
Zuzuvadi, Hosur-645 126.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order made in unnumbered E.A.S.R.No.5578/2016 in E.P.No.183 of 2014 in O.S.No.13 of 2011 dated 03.08.2016 on the file of the Principal District Judge, Krishnagiri.

For Petitioner : Mr.Thiagarajan

ORDER

The judgment debtor in E.P.No.183/2014 in O.S.No.13/2011 on the file of the Principal District Court, Krishnagiri has filed the above Civil Revision Petition challenging the order dated 03.08.2016 made in unnumbered E.A.S.R.No.5578/2016.

2. By order dated 03.08.2016, the Principal District Court returned the papers raising a query with regard to the maintainability of the application. The judgment debtor filed an unnumbered application in E.A.S.R.No.5578/2016 to advance the hearing of the applications filed to set aside the exparte order, to stay the execution petitions and permission to contest the case on the basis of Power of Attorney. On a perusal of the docket orders of the Principal District Court, Krishnagiri, it could be seen that the judgment debtor has not made their submission with regard to the maintainability of the application before the executing Court.

3. In these circumstances, I am of the view that the judgment debtor can be given an opportunity to make their submission with regard to the maintainability of the application. Accordingly, I give liberty to the judgment debtor to make their submission with regard to maintainability of

the application before the Principal District Court, Krishnagiri after complying other defects. The petitioner shall make their submission before the Principal District Court, Krishnagiri within a period of three days from the date of receipt of a copy of this order and the learned Principal District Judge, Krishnagiri is directed to decide the issue with regard to the maintainability of the application within three days from the date of submission made by the judgment debtor/petitioner. In case, the learned Principal District Judge, Krishnagiri coming to the conclusion that the petition is maintainable, the learned Principal District Judge, Krishnagiri is directed to the number the application and decide the same on merits and in accordance with law.

With these observations, this Civil Revision Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

12.08.2016

Index : No
Internet : Yes
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Note: Issue order copy on 16.08.2016.

M.DURAI SWAMY, J

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To

The Principal District Judge,
Principal District Court,
Krishnagiri.

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