

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

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The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)Nos.2599 and 2600 of 2016

and

C.M.P.Nos.13405 and 13406 of 2016

M/s.Xpress Printing Solutions Ltd.,
rep. by its Director, P.B.Prasad
No.6, Shanmugham Street,
Royapettah, Chennai -600 014.

...Petitioner in both C.R.Ps.

Vs.

M/s.Kyocera Document Solutions India Pvt., Ltd.,
(Previously known as Kyocera Milta I Pvt. Ltd.,)
Having Registered Office at
Plot No.100, First Floor, Okhla Industrial Estate,
Phase 3, New Delhi - 110 020.
Branch Office at
K.K.Complex,
33, Velachery Road,
Little Mounts, Saidapet,
Chennai- 600 015.

... Respondent

Prayer in C.R.P.(PD).No.2599 of 2016

Civil Revision Petition filed under Article 227 of the Constitution of India against the common fair and decreetal order, dated 19.02.2016, made in

I.A.No.166 of 2015, in I.A.No.50 of 2015, in O.S.No.6692 of 2013, on the file of the XIX Additional City Civil Court, Chennai.

Prayer in C.R.P.(PD).No.2600 of 2016

Civil Revision Petition filed under Article 227 of the Constitution of India against the common fair and decretal order, dated 19.02.2016, made in I.A.No.167 of 2015, in I.A.No.51 of 2015, in O.S.No.6692 of 2013, on the file of the XIX Additional City Civil Court, Chennai.

For Petitioner : Mr.S.L.Sudarsanam

For Respondent : Mr.C.Franco Louis

COMMON ORDER

The petitioner filed Interlocutory Applications in I.A.Nos.50 and 51 of 2015, before XIX Additional City Civil Court, Chennai, in O.S.No.6692 of 2013.

2. The Applications were dismissed for non-prosecution. The petitioner, thereafter, filed two Applications in I.A.Nos.166 and 167 of 2015, to restore the Applications in I.A.Nos.50 and 51 of 2015.

3. The learned trial Judge dismissed those Applications. Feeling aggrieved, the petitioner is before this Court.

4. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel for the respondent.

5. The trial Court dismissed the Applications filed by the petitioner for restoring the Applications in I.A.Nos.50 and 51 of 2015, on the ground that, sufficient opportunity was given to argue the matter earlier.

6. The learned trial Judge referred to the Interlocutory Application filed by the petitioner earlier for the purpose of dismissing the Applications for restoration.

7. After hearing the learned counsel appearing for the parties and on a perusal of the order under challenge in these Civil Revision Petitions, I am of the view that the learned trial Judge should have given one more opportunity to the petitioner, by restoring the Applications in I.A.Nos.50 and

51 of 2015.

8. In the result, the order, dated 19.02.2016 is set aside. The Applications in I.A.Nos.50 and 51 of 2015, are restored to file.

9. The learned trial Judge is directed to post the Applications in I.A.Nos.50 and 51 of 2015, on a particular date for disposal. The petitioner and the respondent shall argue the Interlocutory Applications on the next hearing date without taking adjournment. The learned trial Judge is directed to pass appropriate orders thereafter on merits as per law.

10. The Civil Revision Petitions are allowed, as indicated above. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

23.11.2016

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Index : Yes/No

Internet ; Yes/No

To
XIX Additional City Civil Court, Chennai.

K.K.Sasidharan,J.,

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C.R.P.(PD)Nos.2599 and 2600 of 2016

23.11.2016

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