

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No3178 of 2016
and CMP No.16155 of 2016

M/s Arc Investments Castings LLP,
rep by its Partner Mr.Punit Rasesh Shah,
433, 8th Main, 4th Block,
Koramangala,
Bangalore 560 034 and

Registered Office at
No.1C, Prince Apartments,
No.59, Ormes Road,
Kilpauk, Chennai – 600 010
by its Authorised Signatory,
M. Subramaniam
General Manager
Petitioner

...

vs

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

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

3. P. Pragasam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the unnumbered E.A.S.R.No.6665 of 2016 in E.P.No.183 of 2014 in O.S.No.13 of 2011 dated 14.09.2016 on the file of Principal District Judge, Krishnagiri.

For Petitioner : Ms.Vasudha Thiagarajan

ORDER

Aggrieved over the order passed in an unnumbered Application in E.A.S.R.No.6665 of 2016 in E.P.No.183 of 2014 in O.S.No.13 of 2011 on the file of Principal District Court, Krishnagiri, the third party claimant has filed the above Civil Revision Petition.

2. The petitioner filed an application under Order 21 Rule 58 of Civil Procedure Code before the Executing Court. The Executing court returned the application, raising a query with regard to the maintainability of the application.

3. Admittedly, the petitioner was not given an opportunity to advance their submissions with regard to the maintainability of the application. In these circumstances, I am of the view that the petitioner should be given an opportunity to advance their arguments with regard to the maintainability of the application in E.A.S.R.No.6665 of 2016 in E.P.No.183 of 2014.

4. Accordingly, the petitioner is given liberty to make their submissions before the Principal District Court, Krishnagiri with regard to the maintainability of the application in E.A.S.R No.6665/2016 in E.P.No.183 of 2014. The petitioner shall make their submissions within three days from the date of receipt of a copy of this order and after hearing the submissions, to be made by the petitioner, the Principal District Judge, Krishnagiri is directed to decide the issue with regard to the maintainability of the application, filed under Order 21 Rule 58 of the Civil Procedure Code.

5. It is open to the petitioner to file appropriate application before the Principal District Court, Krishnagiri for protecting their possession. If such application is filed by the petitioner, the

Principal

M. DURAISWAMY,J.,

sr

District Judge, Krishnagiri shall decide the same, on merits and in accordance with law. With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected CMP is closed.

05-10-2016

sr

Index:no
website:yes

Note: Registry is directed to return the
Original Application in EASR No.6665/2016

Note: Issue Order copy Today

To
The Principal District Court, Krishnagiri.

CRP (NPD)No.3178/2016