



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the First day of September Two Thousand and Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.K.SASIDHARAN

and

The Hon`ble Mr.Justice B.GOKULDAS

CMP(MD) No.8269 to 8279 of 2016

in

WA(MD)Nos.396 to 406 of 2009

- 1 UNION OF INDIA REP. BY ITS
SECRETARY MINISTRY OF COMMERCE AND INDUSTRY,
DEPARTMENT OF COMMERCE, UDYOG BHAVAN,
NEW DELHI - 110 011.
- 2 THE DIRECTOR GENERAL OF FOREIGN TRADE AND EX-OFFICIO,
ADDITIONAL SECRETARY TO GOVT. OF INDIA,
UDYOG BHAVAN, NEW DELHI - 110 011.
- 3 THE COMMISSIONER OF CUSTOMS
CUSTOMS HOUSE, NEW HARBOUR ESTATE,
TURICORIN - 4. ...PETITIONERS IN ALL THE CASES

Vs

M/S UNIK TRADERS,
140, OLD THARAGUPET,
BANGALORE - 560 053.
REP. BY ITS PROPRIETOR,
HANIFA THARA. ... Respondent in CMP(MD). 8269/ 2016

M/S. SHRI SHIV ENTERPRISES,
CHHOTALAL MADHAVAJI BUILDINGS ITWARI,
MAHARASHTRA, REP. BY ITS PROPRIETOR
MR.PRAKASH SUCHAK. ... Respondent in CMP(MD). 8270/
2016

M/S.ALUYUNUS EXPORTS CORP.
REP. BY ITS PROP. MR.FAROOK SHEBEER NOORANI,
337, CENTRAL FACILITY BUILDING,
APMC, MARKET-1, PHASE-II, SECTOR-19,VASHI,
NAVI MUMBAI - 400 705. ... Respondent in CMP(MD). 8271/ 2016

M/S.AYESHA COMMERCIAL TRADE SERVICES,
REP. BY ITS PROP. MR.FAROK SHABBIR NOORANI,
601-C,HALLMA APARTMENTS, 95,MORLAND ROAD,
MUMBAI - 400 008. ... Respondent in CMP(MD). 8272/ 2016



M/S.S.MIRA COMMODITIES PVT.LTD

REB. BY ITS PROP.MR.FAROOK SHABBIER NOORANI,
601-C, HALLMA APARTMENTS, 96, MORLAND ROAD,
MUMBAI. 400 008.

... Respondent in CMP(MD). 8273/ 2016

M/S.ZHI TRADING COMPANY

BY ITS PROP.MR.SHABBIER ISSAK NOORANI,
601-C, HALLMA APARTMENTS, 96, MORLAND ROAD,
MUMBAI. 400 008.

... Respondent in CMP(MD). 8274/ 2016

M/S.EMPIRE EXPORTS.

REP. BY ITS PROP. MR.BIMAL KUMAR MODI.

NO.1, GOVIND CHANDRA DHAR LANE, KOLKOTTA - 1.

... Respondent in CMP(MD). 8275/ 2016

M/S.ANIL INDUSTRIES,

CHHIKHLI LAY OUT, PLOT NO.88, KALAMINA ROAD,
SMALL FACTORY AREA, NEAR THAUKARJARDA,
NAGPUR - 440 008.

... Respondent in CMP(MD). 8276/ 2016

M/S.S.MIRA GROUP OF COMPANIES,

REP. BY ITS PROP.MR.FAROOK SHEBEER NOORANI,
337, CENTRAL FACILITY BUILDING, APMC.MARKET-I,
PHASE-II, SECTOR - 19, VASHI, NAVI MUMBAI - 400 705.

... Respondent in CMP(MD). 8277/ 2016

M/S.RADHAKRISHNAN TRADING CO.

REP. BY ITS PROP.VIJAY SANJNANI MASKASATH SQUARE,
SAMBHAJI KASAR ROAD, ITWARI,
NAGPUR, - 440 002.

... Respondent in CMP(MD). 8278/ 2016

M/S.RADHAKRISHNAN TRADING CO.

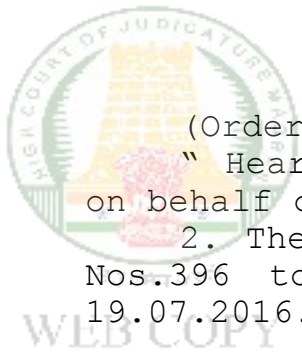
REP. BY ITS PROP.VIJAY SANJNANI MASKASATH SQUARE,
SAMBHAJI KASAR ROAD, ITWARI,
NAGPUR,- 440 002.

... Respondent in CMP(MD). 8279/ 2016

Common Prayer in CMP(MD)No.8269 to 8279 of 2016:

These Civil Miscellaneous Petitions are filed U/S 151 of CPC praying that in the circumstance stated therein and in the affidavit filed therewith, the High Court will be pleased to set aside the order dated 19.07.2016 made in W.A.(MD).NO.396/2009 to 406/2009 which have been dismissed default as to restore the same on file of this Hon'ble Court.

ORDER:These petitions coming on for orders upon perusing the petitions and the affidavits filed in support on the file of the High Court and upon hearing the arguments of M/S. S.SRIMATHY, Advocate for the petitioners and for the respondents not appearing either through counsel or in person, this court was made the order as follows:-



(Order of the Court was made by K.K.SASIDHARAN,J)

" Heard the learned counsel for the petitioners. None appears on behalf of the respondents.

2. These petitions are to restore the Writ Appeals in W.A.(MD) Nos.396 to 406 of 2009, which were dismissed for default, on 19.07.2016.

3. The petitioners, in the affidavit filed in support of the interlocutory Applications, indicated the reasons for the absence of their counsel on the date of hearing.

4. In view of the reasons found mentioned in the affidavits filed in support of the petitions, we are inclined to set aside the order dated 19.07.2016.

5. In the result, the present Miscellaneous Petitions are allowed. The order dated 19.07.2016 is recalled. The Writ Appeals in W.A.(MD)Nos.396 to 406 of 2009 are restored to file.

6. The Registry is directed to post the Writ Appeals, on 26.09.2016, for final disposal".

Sd/-

Assistant Registrar(CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY, UNION OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE, UDYOG BHAVAN, NEW DELHI- 110 011.
- 2 THE DIRECTOR GENERAL OF FOREIGN TRADE AND EX-OFFICIO ADDITIONAL SECRETARY TO GOVT.OF INDIA, UDYOG BHAVAN, NEW DELHI-110 011.
- 3 THE COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, NEW HARBOUR ESTATE, TUTICORIN-4

+1. C.C. to M/S. S.SRIMATHY Advocate SR.No.49072.

DATE OF ORDER : 01/09/2016
NEXT HEARING DATE: 26/09/2016

ORDER

CMP(MD) No.8269 to 8279 of 2016
in

WA(MD)Nos.396 to 406 of 2009
Restoring the WA(MD)Nos.396
to 406 of 2009 by allowing the
CMP(MD)Nos.8269 to 8279 of 2016
as stated within etc.,