



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.06.2016

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THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) Nos. 1046, 1047, 1048, 1049 & 1050 of 2016
and
C.M.P. (MD) Nos. 5227, 5228, 5229, 5230 & 5231 of 2016

C.R.P. (MD) No. 1046 of 2016

R. Saravanan

.. Petitioner/Petitioner/
Defendant

Vs.

S. Mariappan

.. Respondent/Respondent/
Plaintiff

PRAYER: Petition is filed under Article 227 of Constitution of India to set aside the Order and Decree passed by the learned Subordinate Judge, Uthamapalayam in I.A.No.374 of 2015 in O.S.No.109 of 2014, dated 06.01.2016.

C.R.P. (MD) No. 1047 of 2016

R. Ramamoorthy

.. Petitioner/Petitioner/
Defendant

Vs.

S. Mariappan

.. Respondent/Respondent/
Plaintiff

PRAYER: Petition is filed under Article 227 of Constitution of India to set aside the Order and Decree passed by the learned Subordinate Judge, Uthamapalayam in I.A.No.375 of 2015 in O.S.No.110 of 2014, dated 06.01.2016.

C.R.P. (MD) No. 1048 of 2016

1. R. Kalavathi

2. R. Saravanan

<https://hcservices.ecourts.gov.in/hcservices/>

.. Petitioners/Petitioners/
Defendants



Vs.

S.Mariappan

.. Respondent/Respondent/
Plaintiff

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PRAYER: Petition is filed under Article 227 of Constitution of India to set aside the Order and Decree passed by the learned Subordinate Judge, Uthamapalayam in I.A.No.376 of 2015 in O.S.No.111 of 2014, dated 06.01.2016.

C.R.P. (MD)No.1049 of 2016

1. R.Saravanan
2. R.Kalavathi

.. Petitioners/Petitioners/
Defendants

Vs.

R.Rathinavel Pandian

.. Respondent/Respondent/
Plaintiff

PRAYER: Petition is filed under Article 227 of Constitution of India to set aside the Order and Decree passed by the learned Subordinate Judge, Uthamapalayam in I.A.No.389 of 2015 in O.S.No.119 of 2014, dated 06.01.2016.

C.R.P. (MD)No.1050 of 2016

1. R.Saravanan
2. R.Kalavathi

.. Petitioners/Petitioners/
Defendants

Vs.

R.Rathinavel Pandian

.. Respondent/Respondent/
Plaintiff

PRAYER: Petition is filed under Article 227 of Constitution of India to set aside the Order and Decree passed by the learned Subordinate Judge, Uthamapalayam in I.A.No.390 of 2015 in O.S.No.120 of 2014, dated 06.01.2016.

For Petitioners : Mr. S.Sukumar



C O M M O N O R D E R

These Revision Petitions arise against the common order passed by the learned Subordinate Judge, Uthamapalayam in I.A.Nos.374, 375, 376, 389 and 390 of 2015 in O.S.Nos.109, 110, 111, 119 and 120 of 2014, dated 06.01.2016.

2. The respondents in these revision petitions have instituted the suits against the petitioners for recovery of money based on promissory notes. The petitioners have filed their written statements and contesting the same. When the suits were ready for trial, the petitioners filed the interim applications, seeking stay of the suit proceedings, contending that they had filed an insolvency petition in I.P.No.4 of 2015 and till the disposal of the insolvency petition, the suits cannot be proceeded with.

3. The applications were resisted by the respondents by filing a detailed counter. The learned Subordinate Judge dismissed the applications. Aggrieved by the order, the present revision petitions have been filed.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. The learned counsel for the petitioner would submit that the petitioner in C.R.P.(MD)No.1047 of 2016, namely, Ramamoorthy lodged a complaint against the respondents before the Superintendent of Police, Theni District on 26.03.2014 for charging exorbitant interest and a criminal case was registered against the respondents in Crime No. 185 of 2014 and the same was published in the newspaper and thereafter, the suits came to be filed to escape from the criminal case. It is further contended that without issuance of pre-suit notice, the suits were filed and the petitioners have no sufficient means to satisfy the decree and hence, the suits have to be stayed, till the final order is passed in the insolvency petition. It is further submitted that the promissory notes and documents were given as security which have been misused by the respondents.

6. It is seen that the suits have ripen for trial and P.W.1 was examined in one of the suits and it is posted for cross examination of P.W.1. The petitioners filed the insolvency petition against 23 respondents, in the year 2015 and in the insolvency case, service on the respondents is not yet completed.

<https://hcservices.courts.gov.in/hcservices/> In view of the above facts, the learned Subordinate Judge dismissed the applications. I do not find merits in these



Revisions. In fine, these Civil Revision Petitions are dismissed.
No costs. Consequently, connected Civil Miscellaneous Petitions
are also closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Uthamapalayam.

+1 cc to M/s.S.Sukumar, Advocate in SR.No.28428

pmu

CSL/ARK-PV/23.06.2016 : 2P/3C

C.R.P. (MD) Nos.1046, 1047, 1048, 1049 & 1050 of 2016
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