



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) (NPD)No.2044 of 2016

and

C.M.P. (MD) No.9595 of 2016

1.The Managing Director,
M/s.Shalimar Paints Ltd.,
Mumbai - 72.

2.Deputy General Manager HRD,
M/s.Shalimar Paints Ltd.,
Mumbai - 72.

3.The Regional Sales Manager,
South II,
M/s.Shalimar Paints Ltd.,
Chennai-1.

: Petitioners/Petitioners/
Respondents/Defendants

Vs.

G.Chidambaram Rajasekhar

: Respondent/Respondent/
Petitioner/Plaintiff

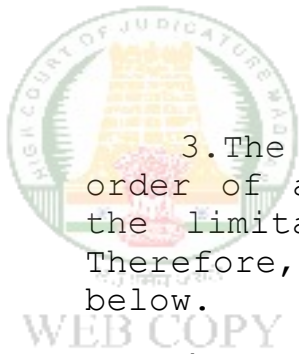
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to number the unnumbered E.A.No.____ of 2016 in E.P.No.79 of 2016 in O.S.No.702 of 2012 on the file of the Principal Subordinate Judge, Madurai dated 09.09.2016.

For Petitioners : Mr.T.Lenin Kumar
For Respondent : Mr.A.Hariharan

ORDER

The civil revision petition is filed to number E.A.No.... of 2016 in E.P.No.79 of 2016 in O.S.No.702 of 2012 on the file of the Principal Subordinate Judge, Madurai dated 09.09.2016.

2.According to the leaned counsel for the petitioners, an unnumbered application has been filed in E.P.No.79 of 2016, to set aside the order of attachment dated 06.09.2016. The said application was filed on 09.09.2016 and the same was returned with an endorsement that no exparte decree was passed on 06.09.2016. The petitioners represented the same stating that since they have not filed counter in the above matter, order of attachment was passed and therefore, the said application is maintainable. However, the Court below has returned the same that the previous returned still hold good and the explanation is not satisfied.



3.The leaned counsel for the respondent would submit that the order of attachment was passed on 06.09.2016 and after expiry of the limitation period, the instant application has been filed. Therefore, the application cannot be entertained by the Court below.

4.Heard the leaned counsel for the petitioners and the respondent and perused the materials available on record.

5.The instant application in unnumbered E.A. has been filed to set aside the exparte order dated 06.09.2016 in E.P.No.79 2016. The Court below has returned the said application stating that no exparte order was passed. The prayer in the instant application is to set aside the order dated 06.09.2016 in E.P.No.79 of 2016. Therefore, without going into the merits of the case, in the interest of justice, I am inclined to pass the following order:

(i)The petitioners are directed to represent the application in unnumbered E.A., within a period of one week from the date of receipt of a copy of this order.

(ii)On such representation, the court below is directed to number the application and to decide the maintainability of the said application, after providing opportunities to the respondent.

(iii)Pursuant to the order dated 05.10.2016, passed by this Court, the petitioner has deposited a sum of Rs.2,32,000/- (Rupees two lakhs and thirty two thousand only) to the credit of O.S.No.702 of 2012 before the learned Subordinate Judge, Madurai, and the same shall be kept in deposit, till the disposal of the E.P.No.79 of 2016.

6.The civil revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

To

The Principal Subordinate Judge, Madurai.

+1cc to Mr.T.Leninkumar, Advocate in SR. No.74644

+1cc to Mr.L.Gunasekaran, Advocate in SR. No.78257

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and C.M.P. (MD) No.9595 of 2016

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