

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1128 of 2017 &

CMP No.5410 of 2017

1.Harmony Avakash Homes Pvt. Ltd.

Rep. by its Director

Mr.L.Ramesh Kumar

Moogambigai Complex

5th Floor

N o.4 Lady Desika Road

Mylapore

Chennai - 600 004.

2.Ramesh

3.Shankar

4.Narayanasamy

5.Ramesh Kumar

... Petitioners

v.

M/s.Govis & Co

Rep. by its Proprietor

S.Muthuramalingam

No.20, 53rd Street

9th sector, K.K.Nagar

Chennai - 600 078

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 24.02.2017 made in O.S.No.160 of 2016 on the file of Additional District Munsif, Court at Tindivanam, setting the petitioners-defendants ex parte.

For Petitioner : Mr.Venkatesan_

ORDER

Challenging the order dated 24.02.2017, made in O.S.No.160 of 2016, on the file of Additional District Munsif Court, Tindivanam, the defendants have filed the above Civil Revision Petition.

2. The defendants were set ex parte, since they failed to file their written statement before the Trial Court .

3. In stead of filing an application under Order IX, Rule 1 of CPC to set aside the ex parte order, the defendants have filed the above Civil Revision Petition under Article 227 of the Constitution of India, which cannot be permitted. In these circumstances, I give liberty to the defendants to file appropriate application to set aside the order dated 24.02.2017, setting the defendants ex parte, in accordance with law.

With this observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.03.2017

Index : No

Rj

To

The Additional District Munsif Court,
Tindivanam

M. DURAISWAMY,J.,

Rj

C.R.P.(PD)No.1128 of 2017 &
CMP No.5410 of 2017

22.03.2017

C.R.P.(PD) No.1128 of 2017M. DURAISWAMY,J.,

It is brought to the notice of this court by the learned counsel appearing for the petitioner that this court, by order dated 14.03.2017, in C.M.P.No.4771 of 2017 in C.R.P.(PD) No.454 of 2017 granted an order of interim stay of all further proceedings in O.S.No.160 of 2016 pending on the file of Additional District Munsif, Court, Tindivanam, Villupuram District. The learned counsel further submitted that in spite of the order dated 14.03.2017, which was brought to the notice of the Trial Court by way of a memo dated 15.03.2017, the Trial Court is proceeding with the matter and also returned the memo filed by the defendants.

2. When this court had stayed all further proceedings in O.S.No.160 of 2016, the Additional District Munsif, Court, Tindivanam, should not have proceeded with the matter, when it was brought to his notice. Instead, it is now informed to this court that the Additional District Munsif, Court, Tindivanam is proceeding with the matter ignoring the order of interim stay granted by this court.

M. DURAISWAMY,J.,

Rj

3. In these circumstances, I direct the Registrar General of this Court to call for an explanation in this regard, from the Additional District Munsif, Court, Tindivanam, Villupuram District, within a period of two weeks from today and place the same before me.

22.03.2017

Rj

Note : Issue copy of the order today