

HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.04.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.(NPD).No.1466 of 2017

and

C.M.P.Nos.6824 and 6825 of 2017

M/s.Kala Fashions Pvt Ltd.,
Rep by its Director L.Sivakumar,
Kala Fashions Pvt Ltd.,
No.2/512, GST Road,
Vandalur,
Chennai 600 048.

.. Petitioner

Vs.

1. R.Raja,

2. Sally Automotive Service Pvt Ltd.,
Rep by its Managing Director,
Mr.Selvaraj,
Office at No.30, Cenatoph Road,
Chennai 600 018.

3. Velan Engineering Training Center,
Office at No.2/512, GST Road,
Vandalur, Chennai 600 048.

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the Order in E.A.No.124 of 2016 in E.P.No.4 of 2009 in

O.S.No.422 of 2007 on the file of the Principal District Judge, Chengalpet.

For Petitioner : Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia

ORDER

The petitioner has filed the present Civil Revision Petition against the impugned notice issued in E.A.No.124 of 2016 in EP No.4 of 2009 in OS No.422 of 2007 on the file of the Principal District Judge, Chengalpet.

2. Heard, the learned counsel for the petitioner and perused, the materials available on record.

3. It is the case of the petitioner that he filed a suit in O.S.No.422 of 2007 and ex parte Judgment and Decree was passed on 30.01.2008. Then, the petitioner filed E.P.No.4 of 2009 for recovery of possession from respondents 2 and 3. The first respondent has filed E.A. No.47/2009 under section 47 of CPC. The said application was dismissed as not maintainable. Against which, the first respondent filed CRP No.1236 of 2016 and that was also dismissed by this Court on 10.06.2016.

4. Now, the first respondent filed E.A. No.124 of 2016 under Rules 97 and 99 of Order XXI of CPC to declare the Judgement and Decree dated 30.01.2008 passed in O.S.No.422 of 2007 are fraudulent and forbearing the petitioner from evicting the first respondent from the property. The petitioner has filed a counter affidavit in the aforesaid E.A. At this stage, the petitioner has filed the present CRP before this court, challenging the entertainment of above E.A.No.124 of 2016 by the Principal District Judge, Chengalpet.

5. However, during the course of argument, the learned counsel for the petitioner submitted that it would be suffice, if the Principal District Judge, Chengalpet is directed to dispose the E.A.No.124 of 2016, within the time frame fixed by this Court.

6. Considering the above facts and circumstances and also the limited scope of the prayer now sought for by the petitioner, this court, without going into the merits of the case, directs the Principal District Judge, Chengalpet to dispose of E.A.No.124 of 2016 on merits and in

accordance with law, as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is disposed of with the above direction. Connected Miscellaneous petitions are closed. No costs.

20.04.2017

Index : Yes/No
Internet: Yes/No
lok

D.KRISHNAKUMAR.J.

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To
1.The Principal District Judge,
Chengalpet

**C . R . P . (N P D) . N o . 1 4 6 6 o f 2 0 1 7 a n d
C . M . P . N o . 6 8 2 4 a n d 6 8 2 5 o f 2 0 1 7**

20.04.2017