

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No.338 of 2017
and
C.M.P No.1540 of 2017

Manoharan
Proprietor
M/s. Vetri Home Appliances

... Petitioner

VS.

N. Mohaideen Gani
S/o. Mr. I. Nalla Mohamed
No.32, IV Main Road
Rajalakshmi Nagar
Velachery, Chennai -42.

... Respondent

This Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in E.A. No. 2 of 2017 in E.P.No.183 of 2016 in RCOP No. 830 of 2015 on the file of XV Judge, Small Causes Court, Chennai.

For Petitioner	: Mr.C.Jagadish
For respondents	: Mr. R.Balakrishnan

ORDER

This Civil Revision Petition arises against the order passed in E.A. No. 2 of 2017 in E.P.No.183 of 2016 in RCOP No. 830 of 2015 on the file of XV Judge, Small Causes Court, Chennai.

2. The petitioner has preferred appeals in R.C.A. Nos. 293 and 294 of 2016, against the order passed in RCOP No.830/2015 dated 19.02.2016 by the XV Small Causes Court, Chennai. Both the aforesaid appeals were dismissed for non-prosecution on 28.11.2016. Against the same, the petitioner has filed restoration petitions in M.P. No. 138/ 2016 in R.C.A. No.293 of 2016 and M.P.No.139/2016 in R.C.A. No.294 of 2016. Notice has been ordered and the same is pending. At this stage, the petitioner filed E.A.No.2 of 2017 to stay the Execution proceedings in E.P. No.183 of 2016, till the disposal of the restoration petitions. As the same was dismissed on 06.02.2017, by the learned XV Judge, Small Causes Court, Chennai, this petitioner has filed the present review petition.

3. It is seen that the petitions filed to restore the appeals, are pending before the Lower Appellate Court. In view of the same, this Revision Petition cannot be entertained.

4. Therefore, this Civil Revision Petition is dismissed. However, it is open to the petitioner to file an application before the Appellate Court. If any such application is filed, the Appellate Court is directed to consider the same, as expeditiously as possible. The Connected Miscellaneous Petition is closed. No order as to costs.

23.03.2017

Index : yes / no

Speaking order/ Non-speaking order

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To

1. The VIII Small Causes Court,
Chennai.
2. The XV Small Causes Court,
Chennai.

D.KRISHNAKUMAR, J.

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