

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP(NPD)No.4314 of 2017

and

C.M.P. No.20276 of 2017

Ashok Kumar D Jain

..Petitioner

Vs.

The Madras Kiran Merchants Association,
Rep by its Secretary,
Ramesh Kumar, Rathore,
18, Audiappan Naicken Street,
Chennai - 600 079.

..Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 18.08.2017 in E.A. in S.R. No.44801 of 2017 in E.P. No.308 of 2017 in RCOP. No.2247 of 1999 on the file of the XI Small Causes Court, Chennai, direct the XI Small Causes Court, number EA and dispose the same.

For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.V.Raghavachari

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 18.08.2017 in E.A. in S.R. No.44801 of 2017 in E.P. No.308 of 2017 in RCOP. No.2247 of 1999 on the file of the XI Small Causes Court, Chennai and to direct the XI Small Causes Court to number the EA and dispose of the same.

2. According to the learned counsel for the petitioner, the petitioner has filed the unnumbered E.A in S.R. No.44801 of 2017 in E.P.No.308 of 2017 in RCOP. No.2247 of 1999 on the file of the XI Small Causes Court, Chennai. The Court below has passed an order in the aforesaid unnumbered E.A and rejected the Application.

3. At this stage, the learned counsel for the respondent would submit that the present application is filed in unnumbered E.A that too to stay the Execution Proceedings in E.P.No.308 of 2017. It is stated that as against the order in RCOP. No.2247 of 1999, RCA was preferred and the same was allowed and against that Civil Revision Petition was filed before this Court and a Review Application No.38 of 2017 filed under Order 47 Rule 1 & 2 and 114 CPC, is pending before this Court, wherein notice has been served and counter affidavit has been filed and the matter was posted for hearing. Pending the review, stay of the proceedings RCA.No.1619 of 2004

4. The learned counsel for the respondents would submit that since the application made under Section 47 of the Code of Civil Procedure is pending before the Court below, till the disposal of the said application no further proceedings will be initiated by the Executive Court, in the meantime the petitioner has to work out his remedies in the Review Application before this Court.

5. In the light of the aforesaid submissions made by the parties viz., petitioner as well as respondents, this Court is not inclined to entertain the Civil Revision Petition.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2017

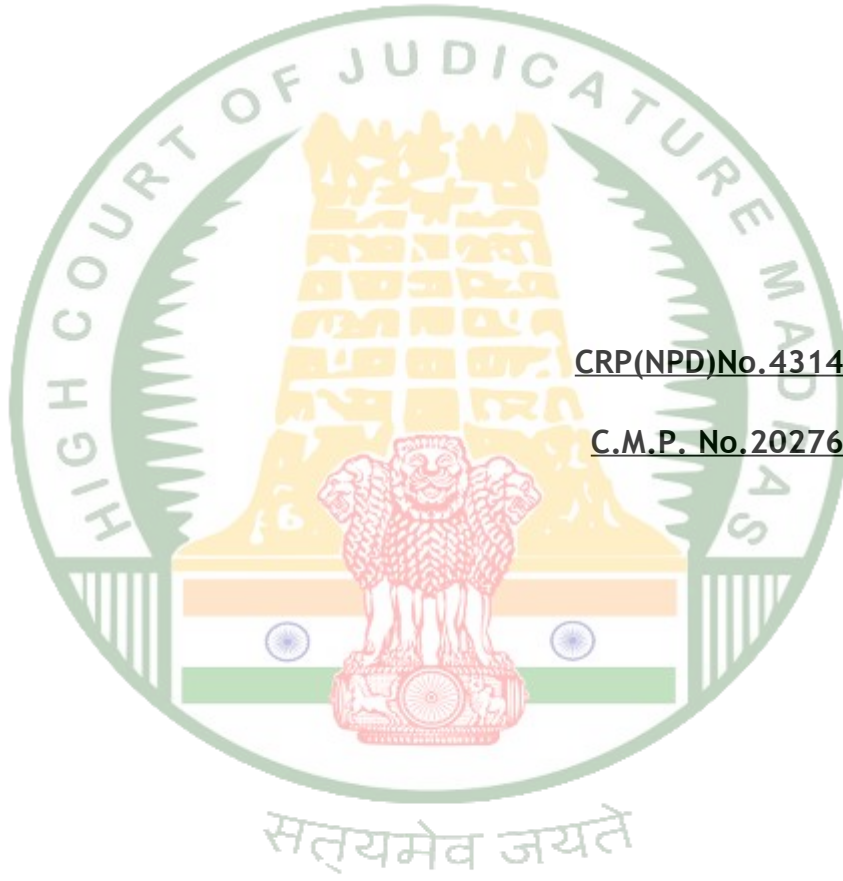
RKP

Index :Yes/No
Internet:Yes/No
Speaking order/Non Speaking order

To

The XI Judge,
Small Causes Court,
Chennai.

D.KRISHNAKUMAR,J.
RKP



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