

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.07.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).Nos.3475 & 3476 of 2017
and C.M.P.Nos.16149 & 16150 of 2017

1. Komathi Rajan
2. R.S.Rajan

... Petitioners in both C.R.Ps

Vs.

1. Anandham Property Developers
Private Limited,
Plot No.1320, Door No.33, Golden Colony,
Anna Naar West Extension,
Padi, Chennai 600 050.

2. A.Shirany Gomez
3. Kasthuri Palani
4. Palani Sundaram
5. Chitra Lakshmanan
6. D.Govindarajan
7. K.U.Shivakumar
8. Madavan.D
9. Mangaiyar Thilagam
10. Michila Mary
11. Shanmugasundaram
12. P.Nandhakumar
13. R.Anusuya
14. R.Jayabharathi
15. R.Vijayalakshmi
16. Selvanayagam
17. S.Latha
18. T.K.Ramakrishnan
19. J.Usha Rani
20. Vimala Govindarajan
21. Sudha Sundar

... Respondents in both C.R.Ps

Prayer in C.R.P.(PD)No.3475 of 2017: Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 08.08.2017 passed by the National Company Law Tribunal Division Bench, Chennai in TCP No.103 of 2016.

Prayer in C.R.P.(PD)No.3476 of 2017: Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the order dated 30.08.2017 passed by the National Company Law Tribunal Division Bench, Chennai in Application No.182 of 2017 in T.C.P.No.103 of 2016.

For Petitioner : Mr.K.Bhasker
in both C.R.Ps

For Respondents : Mr.P.Kumaresan
in both C.R.Ps

COMMON ORDER

The second respondent herein filed an application before the National Company Law Tribunal, Division Bench, Chennai in T.C.P.No.103 of 2016 in which the matter was posted for filing counter. The revision petitioner despite giving opportunity to file the counter, he has not complied to file the counter. Therefore, the learned Tribunal has passed an order that the right of filing of the counter stands forfeited for restraining them from filing counter.

2. Aggrieved against the order passed by the National Company Law Tribunal, Division Bench, the revision petitioners are before this Court by way of this revision petition.

3. The revision petitioners are capable of filing an appeal in the further order passed by the very same Tribunal before the Appellate Authority, ad they perpetually filed the revision before this Court. These types of revision cannot be entertained. The Hon'ble Supreme Court time and again has reiterated by exercising the discretion sparingly under Article 227 of Constitution of India, since they are having an appeal remedy.

4. However, this matter is pending for more than a year, in order to give opportunity to the revision petitioners, the revision petitioners are directed to file their counter within a period of ten days from the date of receipt of a copy of this Order.

5. After receiving counter, the National Company Law Tribunal Division Bench, Chennai is directed to dispose of the case in accordance with law.

P.VELMURUGAN, J.,

vum

6. With the above direction, the Civil Revision petition in C.R.P(PD).No.3475 of 2017 is disposed of. Accordingly, the Civil Revision petition in C.R.P(PD).No.3476 of 2017 is allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

06.07.2018

Note: Issue order copy 09.07.2018

Index: Yes/No

Speaking order/Non speaking order

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To

The National Company Law Tribunal,
Division Bench, Chennai

C.R.P.(PD).Nos.3475 & 3476 of 2017
and C.M.P.Nos.16149 & 16150 of 2017

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