

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.No.2017 of 2018

and

C.M.P.No.12003 of 2018

M/s.Priya Granites (P) Ltd.,
Rep. by its, Managing Director,
K.Ashok Reddy, S/o.K.Ashok Reddy,
No.29, 2nd Main Road,
Natesan Nagar, Puducherry-5.

... Petitioner/Respondent/Respondent

vs

1.M/s.Rajasthan Udyog,
Stone Machieries & Castings Pvt. Ltd.,
Rep. by its Chairman & Managing Director,
Arun Agarwal, Business at No.13,
Heavy Industrial Area, Jodhpur - 342 003.

2.M/s.Rajasthan Udyog Marketing Services,
Arvind Stone Machieries & Castings Pvt. Ltd.,
Rep. by its Chairman & Managing Director,
Arun Agarwal, Business at No.13,
Heavy Industrial Area, Jodhpur - 342 003.

3.M/s.Rajasthan Tools Ltd.,
Rep. by its Chairman & Managing Director,
Arun Agarwal, Business at No.13,
Heavy Industrial Area, Jodhpur - 342 003.

.. Respondents/ Appellants /Petitioners

Prayer : Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order of the learned Principal District Judge, Puducherry, dated 16.02.2018 made in I.A.No.1 of 2017 in Unnumbered A.S. Of 2017.

For petitioner : Mr.K.Sasindran

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order of the learned Principal District Judge, Puducherry, dated 16.02.2018 made in I.A.No.1 of 2017 in Unnumbered A.S. of 2017.

2.The petitioner before this Court was the plaintiff in O.S.No.114 of 1999, which was partly decreed by a judgment and decree dated 23.12.2014 by the learned Additional Sub Judge, Puducherry. Against the said judgment and decree an appeal was filed along with an application to condone the the delay of 61 days vide I.A.No.1760 of 2015. The affidavit filed in support of the application to condone the delay for for filing appeal was signed by one Vidyasagar, who claimed to be the Zonal Manager of the respondents corporation.

3.The petitioner herein had opposed the said application on several grounds. This application was contested on the ground that Mr.Arun Agarwal was incompetent person and that he had not produced any proof to show that he was competent to file affidavit on behalf of the respondents.

4.It has been mentioned that after the death of C.M.Agarwal Chairman of the respondents Mr.Arun Agarwal became the Managing Director the respondents.

5.By an order dated 01.04.2016, I.A.No.1760 of 2015 was dismissed by the learned Principal District Judge, Puducherry on the ground that Mr.Vidyasagar was incompetent person to file appeal with liberty to the respondents to file a fresh application with the competent person.

6. Thereafter, a fresh affidavit was filed by Mr.Arun Agarwal S/o.C.M.Agarwal.

7.The Court by an order dated 16.02.2018 allowed the application. Affidavit has been filed by Mr.Arun Agarwal as the Managing Director of the respondents. The petitioner aggrieved by the said judgment and decree filed the present petition.

8.It is submitted by the learned counsel for the petitioner that the respondents have indicated that they have been amalgamated into one company. However, no evidence has been filed regarding amalgamation of the respondents.

9.Be that as it may, it is not open for the petitioner to question the competence of the person signing documents and pleadings on behalf of the respondents especially when the person claims to be a Managing Director of the said company. It is an internal arrangement within the company and therefore, it

is not open for a third party to question the power of the Managing Director to sign the appeal papers. Hence, this Civil Revision Petition is liable to be dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ia

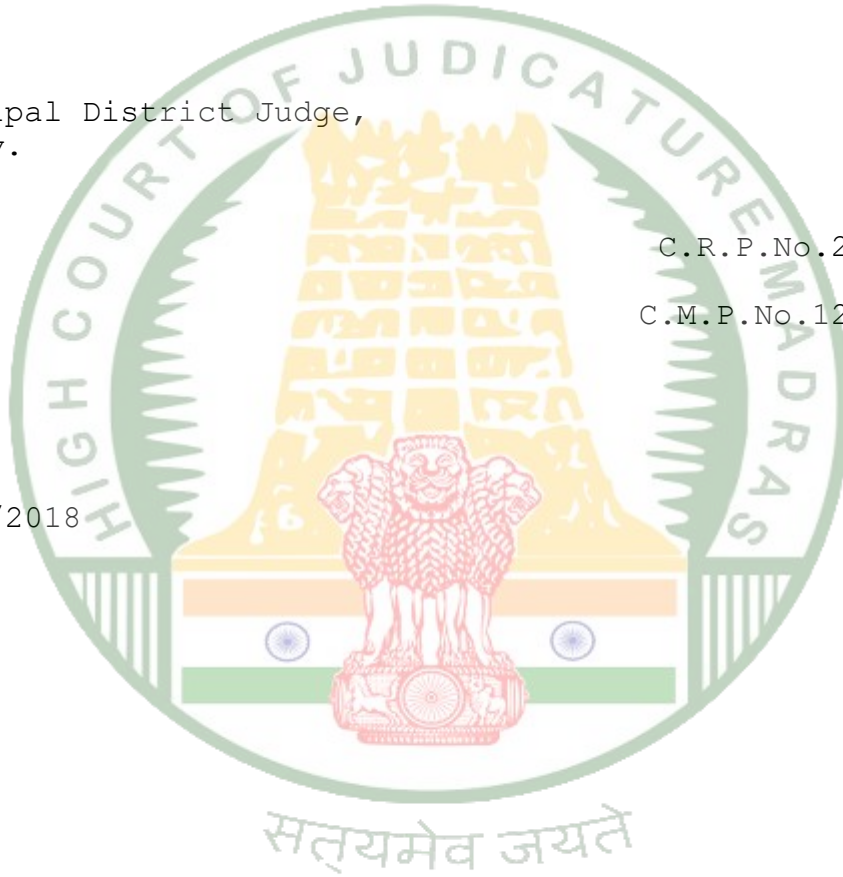
To

The Principal District Judge,
Puducherry.

C.R.P.No.2017 of 2018
and
C.M.P.No.12003 of 2018

GJ(CO)

rrs 12/09/2018



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