

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.4798 of 2017

1.K.Udayakumar

2.D.Chandramohan

3.N.T.Ravikumar

..Petitioners

Vs.

1.Heavy Vehicles Factory Employees Union,
Represented by its General Secretary,
Avadi Camp PO, Chennai-600 054.

2.G.Adalarasu

3.The President,
Heavy Vehicles Factory Employees Union,
Avadi Camp PO, Chennai-600 054.

..Respondents

PRAYER:

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The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Ambattur, to dispose of the Interlocutory Application in I.A.No.1148 of 2017 in

O.S.No.95 of 2017 on the file of the District Munsif Court, Ambattur, within a time stipulated by this Court.

For petitioners : Mr.B.Vijay

ORDER

According to the revision petitioners, the revision petitioners have filed a suit in OS.No.95 of 2017 on the file of the learned District Munsif, Ambattur for declaration. In the aforesaid suit, the revision petitioners have also filed an application in IA.No.515 of 2017 under Order 39 Rule 1 & 2 of the Civil Procedure Code. The court below ordered notice, the respondents were set ex-parte and ex-parte decree was passed by the trial court. The respondents filed an application under Order 9 Rule 7 of the Civil Procedure Code to set aside the ex-parte order along with written statement. The revision petitioners have made an endorsement stating no objection for allowing the said application. Pursuant to that endorsement, the court below allowed the application filed by the respondents herein. Thereafter, an application in IA.No.1148 of 2017 was filed by the revision petitioners to re-open the injunction petition. The said application is still pending, according to the revision petitioners, the court below has adjourned the application for one reason or other without disposing of the same. Therefore,

the revision petitioners have filed the present Civil Revision Petition before this Court.

2. Considered, the submissions made by the learned counsel for the revision petitioners and perused the materials available on record.

3. In view of the limited scope of the prayer in the Civil Revision Petition, this Court is inclined to direct the learned District Munsif, Ambattur to dispose of the application in IA.No.1148 of 2017 on merits in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this Order.

4. In the event of the above application is allowed, the learned counsel for the revision petitioners seeks to dispose of the application in IA.No.515 of 2017 at an earliest.

5. In the light of Order 39 Rule 3 A of the Civil Procedure Code, the court below has to consider the aforesaid application in accordance with law at an earliest.

6. The Civil Revision Petition is disposed of with above directions. No costs.

02.01.2018

Speaking / Non Speaking order

Index :Yes/No

Internet :Yes/No

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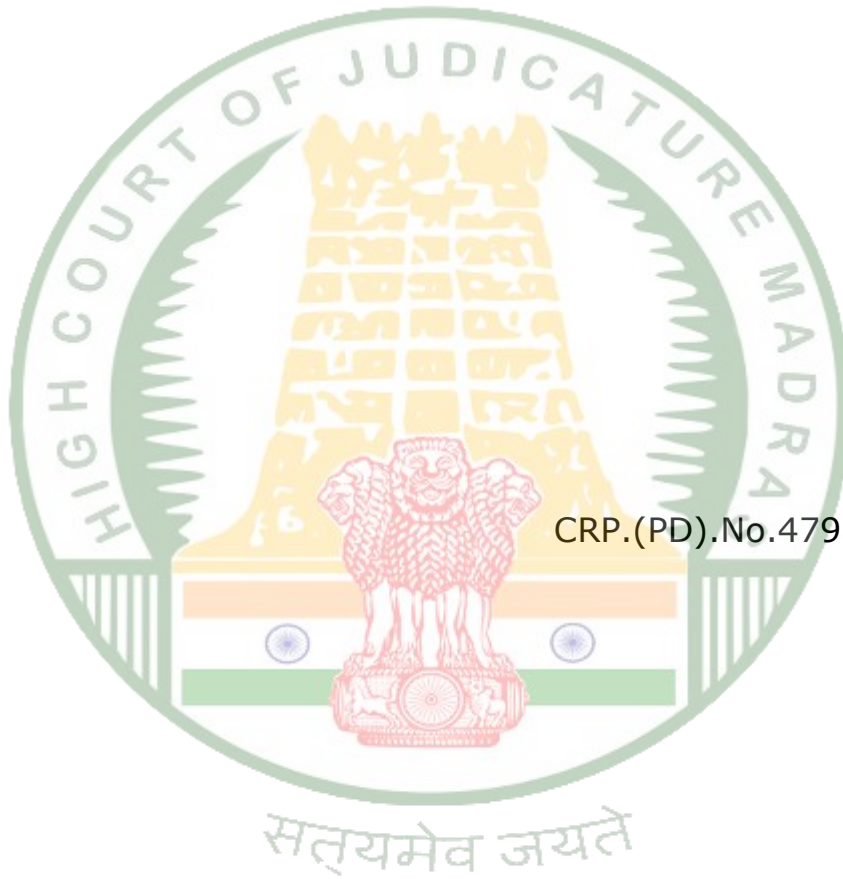
To
The learned District Munsif,
Ambattur.



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D.KRISHNAKUMAR.J,

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