

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P.(NPD).No.3386 of 2011
and
M.P.No.1 of 2011

M/s.Current Trends
Represented by its Partner,
Krishnakumar,
No.28/15, Indira Nagar,
Avinashi Road,
Tirupur-641 603.

... Petitioner

Vs

M/s.Krithika Dryer
No.5/1190/14-A, Venga Medu,
Angeripaiayam Post,
Tirupur-641 603.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the lower Court to dispose of E.A.No.257 of 2011 in E.P.No.64 of 2011 on the file of the Principal District Judge, Coimbatore, in accordance with law before proceeding with E.P.No.64 of 2011 on merits.

For Petitioner : Mrs.Elizabeth Rani
for Mr.P.Raja

For Respondent : Mr.Mukunth
for Sarvabhauman Associates

ORDER

The revision petitioner before this Court is the judgment debtor in E.P.No.64 of 2011 in case No.M&SEFC/CBER/22/2010. The Execution Petition was filed for attachment of movables. The revision petitioner was initially set exparte and it had filed a petition to set aside the exparte order dated 08.08.2011 in E.A.No.257 of 2011. However, without disposing of the same, the Execution Court is attempting to proceed with E.P.No.64 of 2011.

2. Heard Mrs.Elizabeth Rani, learned counsel appearing on behalf of Mr.P.Raja, for the revision petitioner and Mr.Mukunth, learned counsel appearing on behalf of Mr.Sarvabhauman Associates for the respondent.

3. The petitioner admittedly had been set exparte and the petition to set aside exparte order was filed within the period of limitation and in fitness of things, Execution Court ought to dispose of this petition first before proceeding with the execution petition.

4. In the said circumstances, this revision petition is disposed of with a direction to the Execution Court namely, the Principal District Court, Coimbatore, to dispose of the E.A.No.257 of 2011 forthwith and then to proceed with the Execution Petition. The Execution Court may also explore the feasibility of settlement between the parties. In view of the long pendency of the matter, it may not be unduly generous for granting time for such settlement. No Costs. Consequently, connected miscellaneous petition is closed.

05.04.2018

Index:Yes/No

ssn

To

The Principal District Judge,
Coimbatore.

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N.SESHASAYEE, J.,

ssn



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