

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD)No.407 of 2018

M/s.Terra Manufacturing and Sales Proprietorship Concern
Through .Nirmal Kantha Parmar (Deceased)
Having its registered Office at
C-6, 1st Floor, Greater Kailash Enclave Part-I,
New Delhi 110 048
Through her legal heir.Sh.Yogesh Parmar

.. Petitioner

Vs

Alagendiraa Apparales Pvt.Ltd.,
Through its Managing Director,
Sh.N.Ganesan
having its Registered Office at
S.F.551, Periyakaadu Thottam,
Sirupooluvapatti Post,
Tirupur 641 603

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 20.10.2016 made in E.P.No.189 of 2014 on the file of the Principal District Court, Tirupur.

For Petitioner : Mr.T.Murugamanickam (SC)

For Respondent : Mr.Mohamed Abbas

ORDER

By consent of both parties, the civil revision petition is taken up for final disposal.

2. The learned Senior counsel appearing for the petitioner would submit that the petitioner herein has filed the petition in E.P.No.189 of 2014 on the file of the Principal District Court, Tiruppur under Order 36 of the Arbitration and Conciliation Act r/w Order XXI, Rule 10, 11(2) of C.P.C. praying to pass an order for attaching the articles. He would further submit that due to bonafide reason, the counsel for the petitioner could not be able to appear on behalf of the petitioner before the trial Court on 20.10.2016. On 20.10.2016, there is no appearance of the petitioner and the same was dismissed by the Court below. At this stage, the learned counsel for the respondent would fairly conceded that the order passed in E.P.No.2189 of 2014 dated 20.10.2016 is liable to be set aside and the matter may be remanded to the Court below to decide the issue afresh.

3. Considering the submission made by the learned counsel for both parties, this Court is inclined to pass the following orders:

- i) the impugned order passed in E.P.No.189 of 2014 on the file of the learned Principal District Judge, Tiruppur, is hereby set aside and the same is remanded to the Court

below to decide the execution petition afresh and in accordance with law.

ii) The learned Principal District Judge is directed to pass orders on merits, as expeditiously as possible, preferably, immediately after disposal of the CMA.Nos.2618 and 2619 of 2017, after giving notice to both the parties concerned.

4. The civil revision petition is disposed of with the above direction. No costs.

kkd
Index : Yes/No
Internet : Yes/No
Speaking Order/Non-speaking Order

To

The Principal District Court,
Tirupur.

08.02.2018

सत्यमेव जयते
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D.KRISHNAKUMAR,J

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