

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 547 of 2018

and

CMP No. 2918 of 2018

M. Manikandan

.. Petitioner

Vs.

M/s. Chola mandalam Investment
and Finance Co. Ltd.,
Rep. by its Power of Attorney
Balakrishnan

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to direct the learned V Additional District Judge, Coimbatore to take unnumbered E.A. SR No. 143 of 2018 in E.P. No.107 of 2016 and dispose the same by allowing the Civil Revision Petition.

For Petitioner : Mr. E. Sathiyaraj

ORDER

The present Civil Revision Petition is filed seeking to direct the V Additional District Judge, Coimbatore to take unnumbered E.A. SR No. 143 of 2018 in E.P. No.107 of 2016 and dispose the same.

2. The respondent proceeded with the execution proceedings, for attachment of sale of immovable property of the petitioner herein, to execute the award dated 11.02.2016. Against the same, the petitioner filed an Interlocutory Application in E.A. SR No. 143 of 2018 in E.P. No.107 of 2016 to stay all further proceedings in the EP, until the disposal of the AOP. The said application was returned on 11.01.2018 by the court below. The said return was complied and represented. Again the same was returned, stating that the previous return has not been complied with. Hence, the present revision petition has been filed, challenging the same.

3. On perusal of the return endorsement dated 11.01.2018, it is found that the petitioner has represented the application without explaining the query raised by the court below. Therefore, at this stage,

this Court is not inclined to entertain this revision. However, liberty is granted to the petitioner to re-present the application, giving proper explanation, within a period of one week from the date of receipt of a copy of this order, before the V Additional District and Sessions Judge, Coimbatore. In the event of the application being represented, if the court is satisfied with the explanation, the Court shall consider the application in accordance with law and number the E.A, as early as possible.

4. The Civil Revision Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.02.2018

Index: Yes/ No

Speaking Order/Non Speaking Order

[Registry is directed to return the original affidavit to the petitioner, after obtaining a copy of the same]

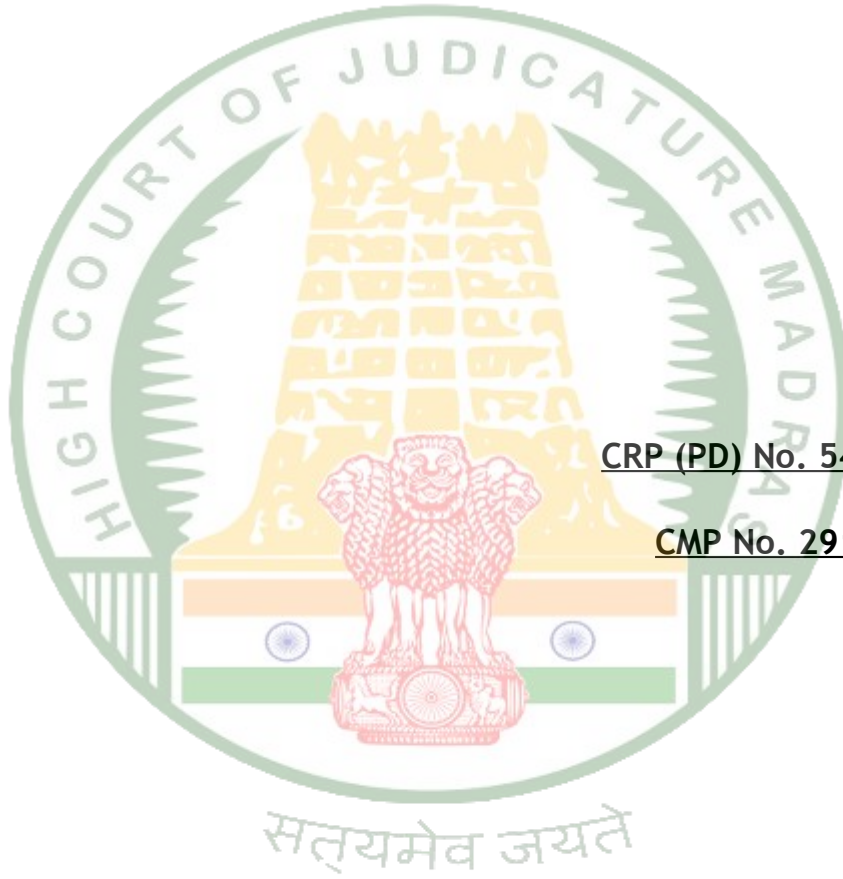
[Issue order copy on 15.03.2018]

To

The V Additional District and
Sessions Court, Coimbatore.

D. KRISHNAKUMAR J.,

avr



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