

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM

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

CRP.(NPD).No.1307 of 2016

and

C.M.P.No.7508 of 2016

C.Babu Lal Dungarwal @
C.Babu Lal Jain

..Petitioner

Vs.

Sneha Gothi represented by her
Power Agent and Father
P.Pramod Kumar Gothi

..Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair order and decreetal order dated 08.02.2016 passed in C.M.A.No.154 of 2013 on the file of the III Additional City Civil Court, Chennai confirming the order and decreetal order dated 05.08.2013 passed in I.A.No.329 of 2013 in O.S.No.2984 of 2008 on the file of the XVIII Assistant City Civil Court, Chennai.

For petitioner : Ms.R.V.Gayathiri

For Respondent : Mr.S.Udaya Kumaran

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ORDER

This Civil Revision Petition has been filed against the fair order and decretal order dated 08.02.2016 passed in C.M.A.No.154 of 2013 on the file of the III Additional City Civil Court, Chennai confirming the order and decretal order dated 05.08.2013 passed in I.A.No.329 of 2013 in O.S.No.2984 of 2008 on the file of the XVIII Assistant City Civil Court, Chennai.

2. According to the revision petitioner, summons has not been served to the petitioner, after the receipt of the notice of Execution Proceedings, the petitioner has knowledge about the exparte decree passed in the aforesaid suit. According to the petitioner, the application has been filed, from the date of the knowledge of the Exparte decree passed by the Court below. At the time of admission in the Civil Revision petition, this Court directed the petitioner to pay a sum of Rs.1,42,500/- (Rupees One Lakh Forty Two Thousand Five Hundred Only) to the credit of the suit. The aforesaid order has been complied with by the petitioner.

3. The learned counsel appearing for the respondent submitted that the petitioner has paid the aforesaid amount and the conditional order has been complied with by the petitioner and the same is

deposited before the Court below and further requested that in the event of allowing the Civil Revision Petition, the Court below is directed to dispose of the suit within a period of time as may be fixed by this Court.

4. By considering the submissions made by the parties, this Court is inclined to pass the following orders:

(i) Order passed in C.M.A.No.154 of 2013 dated 08.02.2016 on the file of the III Additional City Civil Court, Chennai confirming the order passed in I.A.No.329 of 2013 in O.S.No.2984 of 2008 dated 05.08.2013 on the file of the XVIII Assistant City Civil Court, Chennai is set aside;

(ii) Both the parties undertakes co-operate for speedy disposal of the suit; and

(iii) The Court below is directed to dispose of the suit as expeditiously as possible on merits and in accordance with law, preferably within a period of four months from the date of receipt of a copy of this order.

5. Accordingly, the Civil Revision Petition stands allowed with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.03.2018

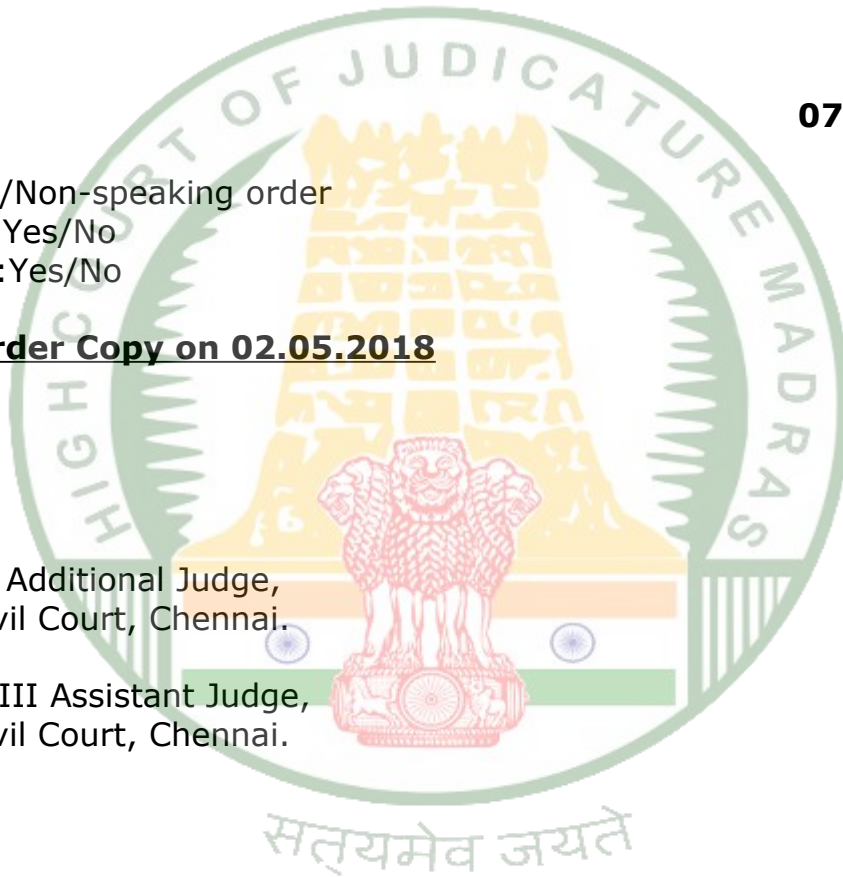
Speaking/Non-speaking order
Index :Yes/No
Internet :Yes/No

Issue Order Copy on 02.05.2018

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To

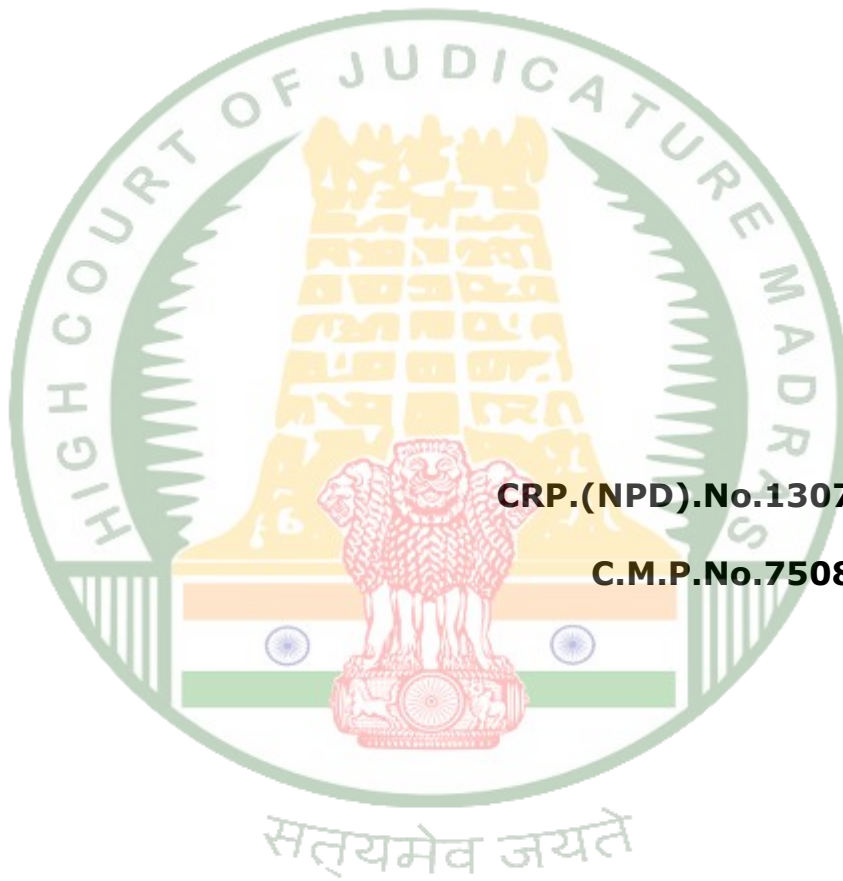
1. The III Additional Judge,
City Civil Court, Chennai.
2. The XVIII Assistant Judge,
City Civil Court, Chennai.



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D.KRISHNAKUMAR. J,

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