



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.1357 of 2018

and

C.M.P.[MD]No.5863 of 2018

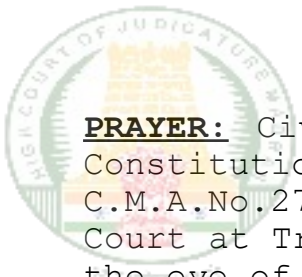
H.S.Ashraf Ali

: Petitioner

Vs.

1. Travel Agents Association of India,
Having office at No.2-D,
Lawrence and Mayo House,
No.276, Dr.D.N.Road,
Forte, Mumbai - 400 001.
Represented by its President,
Mr.R.Sunil Kumar.
2. The Managing Committee,
Travel Agents Association of India,
Having office at No.2-D,
Lawrence and Mayo House,
No.276, Dr.D.N.Road,
Forte, Mumbai - 400 001.
Represented by its,
Hon Secretary General,
Mr.Bettiah Lokesh.
3. Travel Agents Association of India,
Southern Region,
by its Chairperson,
Mrs.Hema V.Chandar,
Having Office at Kalpatharu Tour & India Pvt. Ltd.,
Shop No.87,
Southern High Road,
M.R.C. Nagar,
Chennai - 600 028.
4. Travel Agents Association of India,
South Tamil Nadu Chapter,
Rep. by its Chairman,
M.S.Paramsivam,
Lakshmi Travels Agency Pvt. Ltd.,
Lakshmi Arcade,
11th Cross, Thillali Nagar, Trichy.

: Respondents



PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of the C.M.A.No.27 of 2017 on the file of the Hon'ble Principal District Court at Trichirappalli and reject the Appeal as not maintainable in the eye of law and allow the Civil Revision Petition.

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For Petitioner : Mr.H.S.Mohammed Rafi

For Respondents

R1 to R4 : Mr.A.Arumugam

O R D E R

The plaintiff in O.S.No.324 of 2016 on the file of the II Additional Subordinate Court, Trichirappalli is the revision petitioner herein. The revision petitioner filed I.A.No.313 of 2016, seeking some interim relief and the same was allowed. Questioning the same, the respondents herein filed Civil Miscellaneous Appeal before the first appellate Court. The Civil Miscellaneous Appeal was filed in time. But then, it was returned for rectifying certain defects. Such returns were made on as many as four occasions. The specific allegation of the revision petitioner is that the number of days of delay occasioned in re-presenting the papers was not correctly calculated.

2.The learned Counsel for the revision petitioner submits that the Court below was misled in to condoning the delay in re-presentation by giving lesser number of days of delay and that without noting the same, the Court below had condoned the delay and numbered the Civil Miscellaneous Appeal. The Civil Miscellaneous Appeal has now been numbered as C.M.A.No.27 of 2017.

3.The grievance of the revision petitioner herein is that even though he filed **I.A.No.62 of 2018**, raising this as a preliminary issue, it has not been taken up. Hence, this Civil Revision Petition has been filed before this Court for striking of the C.M.A. itself.

4.Heard the learned Counsel on either side.

5.This Court is of the view that the grievance of the revision petition can be suitably redressed by directing the learned Principal District Judge, Trichirappalli to take up **I.A.No.62 of 2018** and dispose of the same in accordance with law. This Interlocutory Application shall be taken up by the Court below as a preliminary issue in C.M.A.No.27 of 2017. It is made clear that this Court has not expressed any opinion on the merits of the matter. The relief that is given to the revision petitioner is that he will not be called upon to argue the main Civil Miscellaneous Appeal by the Court below. On the other hand, the preliminary objection raised by him should be disposed of first.



6. The Civil Revision Petition is disposed of, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

Corrected Order issued

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

TO BE SUBSTITUTED AS PER ORDER COPY DESPATCHED ON 14/09/2018.

1. The Principal District Judge,
Trichirappalli.
2. The II Additional Subordinate Judge,
Trichirappalli.

+1cc to Mr.A.Arumugam, Advocate Sr.No.84156

MR

JM/MMS/SAR4/14.09.2018/3P/4C

KM/SV/SAR2/28.12.2018/3P/4C

ORDER MADE IN
C.R.P.PD[MD]No.1357 of 2018
12.09.2018