



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

CORAM

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD).No. 2674 of 2016
and C.M.P. (MD) No.12575 of 2016

1. B.N. Udayar Pillai	..Petitioner
Vs.	
1. Usha Chit Fund Devicode	..Respondent
2. R.Nagammal	
3. U.N.Praveen Bagavathi	
4. Mrs.T.Dhanam	..Respondents

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the Arbitration proceedings in A.R.C. NO.15 of 2015 on the file of the Deputy Registrar of Chits (Nominee) Marthandam.

For Petitioner :Mr. T. Lajapathi Roy

ORDER

The petitioner has come forward with this Civil Revision Petition to strike off the Arbitration proceedings in A.R.C. NO.15 of 2015 on the file of the Deputy Registrar of Chits (Nominee) Marthandam.

2. Heard the learned counsel for the petitioner and perused the material documents available on record.

3. Since the petitioner has challenged the summon issued by the Deputy Registrar of Chits (Nominee) Marthandam directing the petitioner to appear on 22.04.2016 on the ground that already the petitioner has filed a insolvency petition in I.P. No.3 of 2015 before the learned District Judge, Kanyakumari District. Once the insolvency petition is pending no right to proceed the case under the Chit Funds Act.

4. This Court is of the view that the petitioner has challenged only the summon issued to the petitioner to appear before the Deputy Registrar of Chits (Nominee) Marthandam on 22.04.2016 i.e., before two years. However, after two years, the matter has been listed now. A perusal of the summon would show that an ex-parte order will be passed if the petitioner did not appear. Hence, if at all the authority has passed any order, the petitioner is at



liberty to challenge the said order. Since the petitioner has challenged only the summon it is absolutely infructuous. Accordingly, the Civil Revision Petition is dismissed as infructuous. No Costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (T&P)

Sub Assistant Registrar(CS-I)

KSA
DS/RP/SAR-1 :02.08.2018: 2P/1C

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