

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.391 of 2019

Bank of India
Represented by its Assistant General Manager,
Having office at:
IV Floor, Star House,
Chennai Asset Recovery Branch,
Errabalu Street, Chennai 600 001.

... Petitioner/Petitioner/Claimant

Vs

1.H.J.Hansen Recycling Industry Limited
(HJ Hansen Genvindingsindustri)
Havnegade 110, Postboks 209,
DK-5100, Odense C, Denmark
Represented by its Power of Attorney,
Mr.M.Vijay Mehanath,
Having office at:
No.74, 2nd Floor, Marshalls Road,
Egmore, Chennai 600 008.

... 1st Respondent/Petitioner/Plaintiff

2.SDS Steel Pvt.Ltd.,
New No.91, 2nd Floor,
Armenian Street, Chennai 600001,
Represented by its Director,
Mr.Pramod Kumar Saraf,
Having address at:
Old NO.63, New No.8,
Montieth Lane, Egmore,
Chennai 600 008.

..1stRespondent/1st Respondent/1stDefendant

Civil Revision Petition filed under Article 227 of the
Indian Constitution to issue a direction to dispose of the
E.A.No.20 of 2018 in E.P.No.26 of 2017 in ICC ARB No.17168/JHN,

in the file of Additional District Judge IV at Ponneri within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.B.Deepak Narayanan

O R D E R

The above Civil Revision Petition is filed seeking direction to the Second Additional District Judge IV, Ponneri to dispose of E.A.No.20 of 2018 in E.P.No.26 of 2018, on the file of the 2nd Additional District Judge IV, Ponneri.

2.The brief facts which are necessary for disposal of the above revision petition is that on 30.10.2018, Directors of the second respondent had deposited title deeds of the properties with the petitioner. It appears that the first respondent herein had moved arbitration proceedings against the second respondent and obtained an award, before the ICC International Court of Arbitration for ICC ARB.No.17168/JHN on 27.05.2011, much after the deposit have not been made in favour of the revision petitioner. Thereafter the first respondent has moved execution proceedings in E.P.No.26 of 2017 before the Hon'ble Principal District Court, Thiruvallur, from where it was thereafter transferred to the file of the II Additional District Judge IV at Ponneri and numbered E.P.No.26 of 2017.

3.It is seen that the first respondent had obtained an order of attachment of the immovable property and thereafter proceeding for selling the same. The petitioners herein had moved claim petition under the provision of Order 21 Rule 58 of the Civil Procedure Code r/w 175 of Civil Rules of Practice to set aside order of attachment dated 28.03.2016 in respect of the suit property, and to postpone the sale of the scheduled property. This petition is being adjourned time and again without reaching finality. The second respondent had filed a counter supporting the case of the bank that they have deposited title deeds in the year 2008. However, the first respondent is not coming forward to contest the petition though they have been served. It is reiterated by the counsel appearing for the petitioner that the next hearing date for E.A.No.2018 of 2018 is 08.2.2019. The learned Second Additional District Judge IV at Ponneri, is directed to go ahead with the enquiry and in case, counter is not filed on 08.02.2019, by the first respondent on the said date shall grant them a week's time from the date of receipt of copy of this order to file their counter and from a month thereof dispose of the E.A.No.20 of 2018 in E.P.No.26 of 2018, and report compliance to this Court.

4.In the result this Civil Revision Petition is allowed on the above lines.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dua

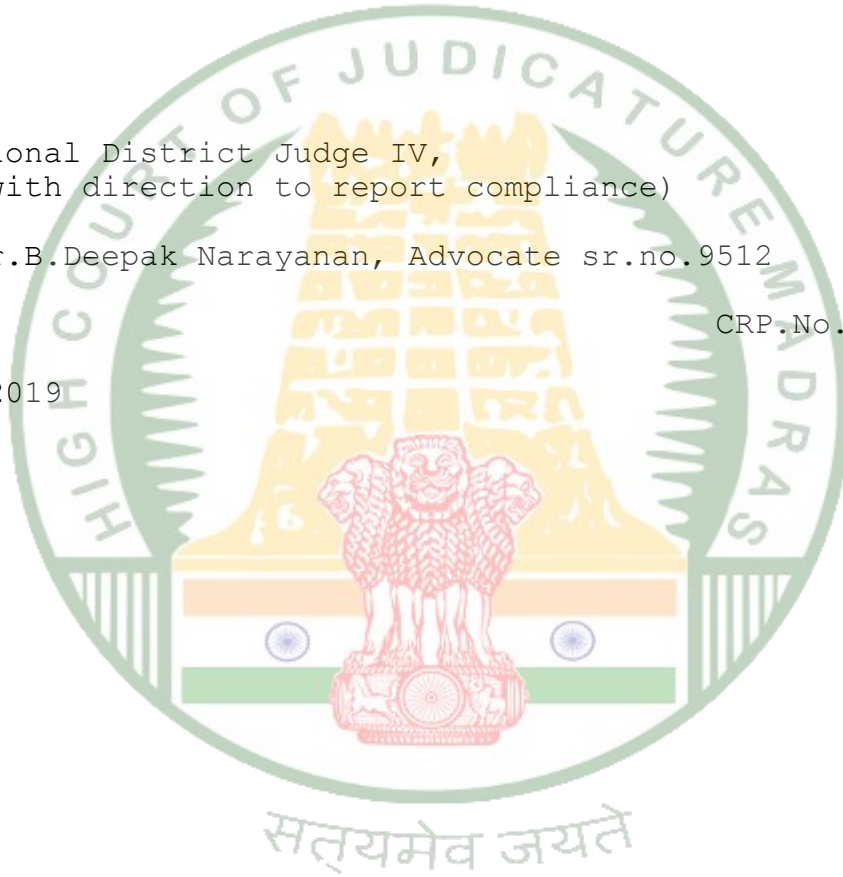
To

The Additional District Judge IV,
Ponneri.(with direction to report compliance)

+1cc to Mr.B.Deepak Narayanan, Advocate sr.no.9512

CRP.No.391 of 2019

nr 14/03/2019



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