

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 2535 of 2015
and
M.P. 1 of 2015

S.V.Krishnamurthy Petitioner

Versus

1. Mrs.Akila Krish
rep. by her power of attorney
agent Mr.K.B.Subramanian

2. Mrs.Purnima Gauthron
rep. by her Power of Attorney
Agent Mr.K.B.Subramanian

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order dated 23.03.2015 in I.A.No.8526 of 2014 in O.S.No.5461 of 2012, on the file of XI Asst. City Civil Court, Chennai.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.B.Chandrasekaran

ORDER

This Civil Revision Petition has been filed challenging the the order dismissing the application filed under Sec.10 of C.P.C. to stay the subsequent proceedings in O.S. 5461 of 2012, which is pending on the file of XI Asst. City Civil Court, Chennai.

2. The above application has been filed on the ground that, after filing the suit in C.S.No.315 of 1996 on the file of this Court, subsequently, for the very same property, another suit has been filed by the respondents, represented by their power agent, That application came to be dismissed by the court below. Challenging the same, the present Civil Revision Petition has been filed.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for petitioner would submit that, the Civil Suit in C.S. 315 of 2006, which was originally pending on the file of this court, which was transferred to IV Addl. City Civil Court, Chennai and renumbered as O.S. 4580 of 2015. Subsequently, the suit has been dismissed for default by an order dated 05.01.2017, and so far, it was not restored. Hence,

no further adjudication is required in this Civil Revision Petition.

4. Recording the submissions made by learned counsel appearing for petitioner stating that, since the suit has been dismissed for default by an order dated 05.01.2017, which was not so far restored, no further adjudication is required in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. In the event of suit is restored, it is always open to the petitioner to file fresh application. No costs. Consequently, the connected Miscellaneous Petition in M.P. 1 of 2015 is closed.

17.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

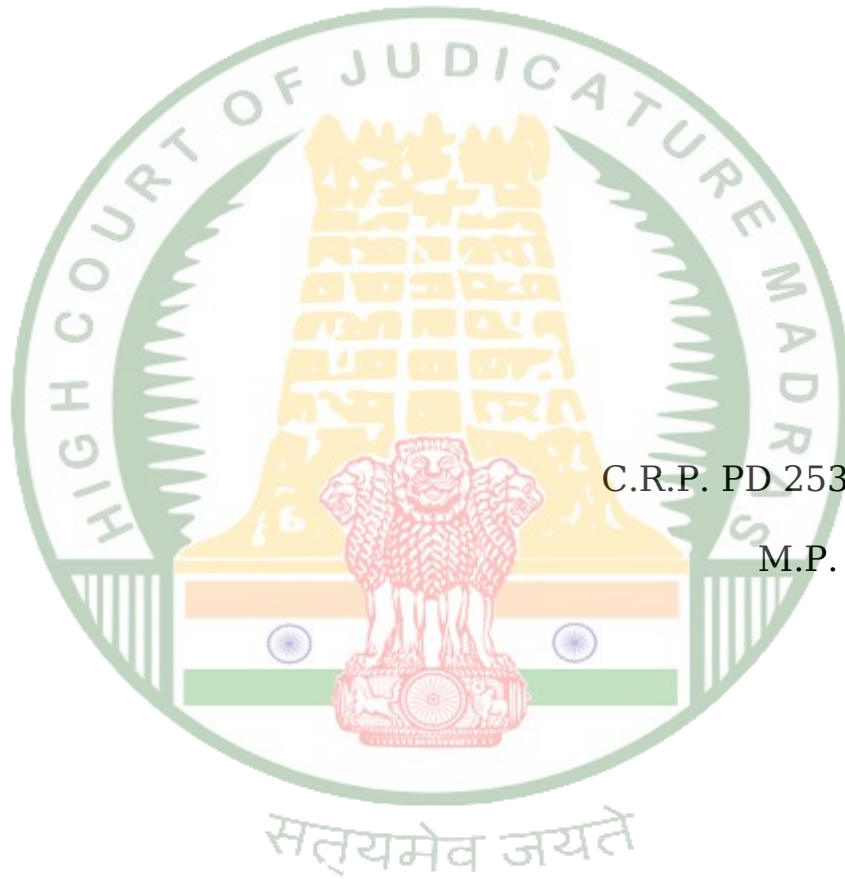
To

XI Asst. City Civil Court,
Chennai.

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V.BHARATHIDASAN,J.

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