

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2623 OF 2019
and
C.M.P.No.17317 OF 2019

1. J.S.Chandha

2.M/s.Karam Exports (P) Ltd.,
ICARUS PUNJABI DHABA,
Rep. by its Director J.S.Chandha,
No.149, Alsa Mall, Montieth Road,
Egmore, Chennai-600008.

... Petitioners

1.V.A.Syed Ibrahim

2.V.S.Shamshad Begum

... Respondents

Vs.

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India,
praying to set aside the order and decree dated 18.07.2019 of the XVI Additional
Judge, City Civil Court, Chennai in I.A.No.1 of 2019 in O.S.No.1945 of 2019.

For Petitioners

: Mr.S.Haja Mohideen Gisthi

For Respondents

: Mr.K.Manikandan

ORDER

The petitioners are the defendants in the suit. They filed a petition seeking leave to defend. Before taking up that petition, the trial court has taken up I.A.Nos.1&2 of 2019 filed by the respondents for furnishing security to the tune of Rs.15,73,721/- (Rupees Fifteen Lakhs Seventy Three Thousand Seven Hundred and Twenty One Only) failing which to attach the immovable property to the petitioners and also for an injunction not to alienate the petitioner's premises. The Trial Court considered both the applications I.A.Nos.1 and 2 of 2019 and granted interim orders. As per which, a direction was issued to the petitioners /defendants to furnish security to the tune of Rs.15,73,721/- on or before 09.08.2019. Aggrieved over the same, the defendants / petitioners are before this Court.

2. According to the learned counsel for the petitioners, the trial Court ought not have ordered these Interlocutory Applications filed by the respondents / plaintiffs without contesting the Interlocutory application filed by the petitioners. The points raised by the petitioners on limitation will go to the root of the matter and the interim prayer is rejected. Therefore, order passed by the trial Court is erroneous.

3. I have considered the submissions made on either side.

4. On a perusal of the records, it is seen that I.A.No.3 of 2019 is at the notice stage and notice will be served. In the meanwhile, in order to protect the interest of the plaintiffs, a direction was given to furnish security by order dated 18.07.2019. I do not find any infirmity in the order passed by the Trial Court. Now that, the learned counsel for the petitioners seeks extension of time for furnishing security. Recording the request, two weeks time is granted for furnishing security, as directed by the trial court in I.A.No.1 of 2019 in O.S.No.1945 of 2019.

5. In so far as I.A.No.3 of 2019 is concerned, the petitioners shall serve notice on the respondents, within a period of one week from the date of receipt of a copy of this order and the trial Court is directed to dispose of the same within a period of one month thereafter.

6. With the above observations and directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

08.08.2019

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M.GOVINDARAJ, J

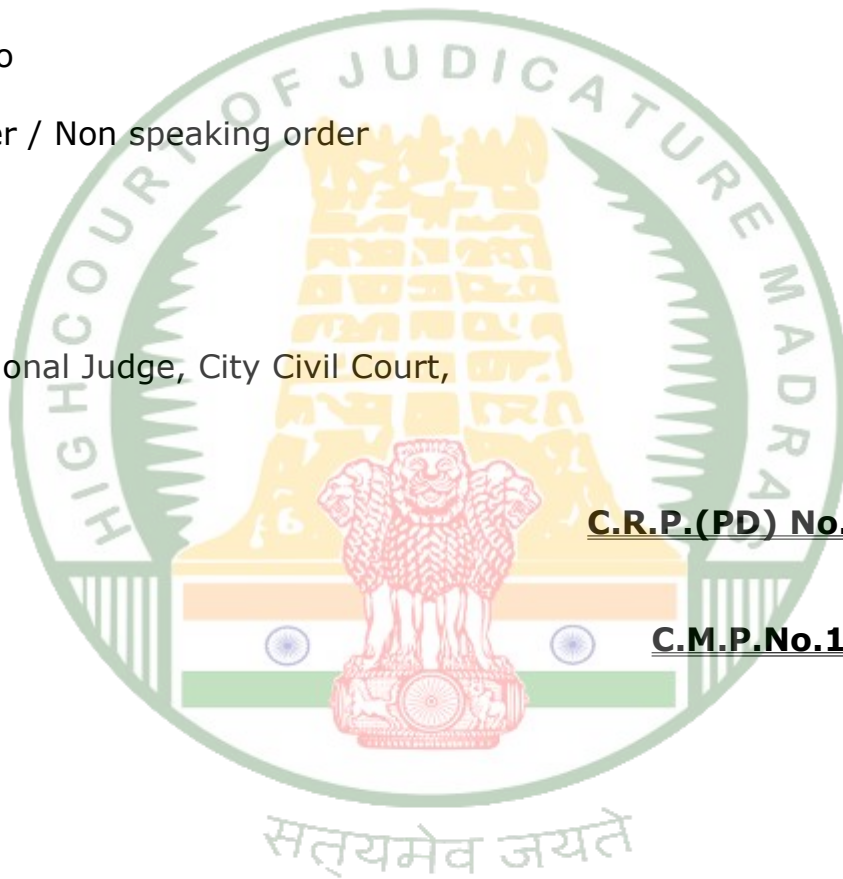
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Index:Yes / No

Speaking order / Non speaking order

To

The XVI Additional Judge, City Civil Court,
Chennai.



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