

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(CIVIL APPELLATE JURISDICTION)

WEDNESDAY, THE FOURTH DAY OF MARCH TWO THOUSAND TWENTY

PRESENT

THE HON`BLE MR JUSTICE D. KRISHNAKUMAR

CMP NO.12970 OF 2019

IN CRP NO.1995 OF 2019

1 A.KRISHNAN

[PETITIONER]

Vs

1 K.JAGADEESAN

[RESPONDENTS]

2 J. PARIMALAM

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings in O.S.No.136 of 2017 on the file of the learned First Additional District Court, Salem C.M.P.NO.12970/2019 pending disposal of the above CRP.NO.1995/2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.N.MANOCHARAN,MR.N.S.SUGANTHAN, Advocates for the petitioner and MR.V.ELANGO VAN, Advocate on behalf of the Respondents the court made the following order:-

According to the revision petitioner, he has filed suit for specific performance in O.S.No.136 of 2017 before the District Court, Salem. The respondent was set exparte and the exparte decree was passed on 20.12.2017 by granting refund of advance amount. Challenging the same, the petitioner had filed A.S. No. 87 of 2019 before this Court and the same is pending.

Pending Appeal Suit, the respondent had filed an interim application under Order 9 Rule 13 CPC to set aside the exparte decree without filing the written statement along with the said petition and they filed the written statement after one year and 3 months. Without considering the said aspect, the Court below had allowed the said interim application. Challenging the same, the present CRP is filed.

It is represented by the both the counsel for the parties concerned that the present CRP may be heard along with A.S. No.87 of 2019, which is pending before this Court.

Therefore, the Registry is directed to get necessary orders from The Hon'ble The Chief Justice to tag A.S. No. 87 of 2019 along with the present CRP.No.1995 of 2019 and list the same.

In view of the above, the interim order already granted by this Court is made absolute. It is open to the respondents to approach this Court by way vacate stay petition, if so advised.

-sd/-
04/03/2020
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE LEARNED FIRST ADDITIONAL DISTRICT JUDGE,
SALEM

C.C. to MANOHARAN N. Advocate S.R.NO.3007.

Order
in
CMP.12970/2019
in
CRP.1995/2019

Date :04/03/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RR(MJ)13/05/2020