

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.765 of 2021

and C.M.P. No.6323 of 2021

R.Sakthi Narayanan

... Petitioner

Vs.

1.S.Pratap Singh

2.The Chairman and Managing Director,
M/s. Metronex Cars & Bikes Ltd.,
534/535, Mount Road,
Chennai – 600 018.

3.The Oriental Insurance Co. Ltd.,
Esplanade,
Chennai – 600 108.

4.R.S.Sivaprakasam

5.S.Santhi Prasad

... Respondents

Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 11.03.2020 made in E.P. No.928 of 2019 in M.C.O.P. No.467 of 1996, passed by the VI Small Causes Court, Chennai.

For Petitioner

: Mrs. Radhagopalan

for M/s. Mcgan Law Firm

For Respondent - 1

: Mr. A.Shanmugaraj

3 : Mr. J.Chandran

2 : Not ready in notice

4&5 : No such person

O R D E R

This Civil Revision Petition is filed against the order of attachment of immovables ordered in E.P. No.928 of 2019 in M.C.O.P. No.467 of 1996.

2. Learned counsel for the petitioner submitted that as against the order passed in M.C.O.P. No.467 of 1996, an appeal in C.M.A. No.1603 of 2005 was filed before this Court, by the first respondent for enhancing the compensation and for fixing liability on the respondents therein. It is submitted by the learned counsel for the petitioner that without ordering notice to the petitioner, enhancement was ordered. The liability was also fixed as against the petitioner. Therefore, the petitioner filed a petition for setting aside the order passed enhancing the compensation and fixing liability on the petitioner. The order of enhancement came to the knowledge of the petitioner only after the receipt of notice in E.P. No.928 of 2019.

3. Now, a memo is filed on behalf of the petitioner stating that the petitioner gives an undertaking not to alienate the car bearing Reg. No. TN-09

BZ-0090, pending C.M.A. No.1603 of 2005. By filing memo, he prays either to make the order passed in C.M.P. No.6323 of 2021 in this Civil Revision Petition dated 25.03.2021, as absolute and this petition may be posted along with C.M.A. No.1603 of 2005 or to dispose of this petition and to stay the proceedings in E.P. No.928 of 2019, pending before the VI Judge, Small Causes Court, Chennai, till the disposal of the C.M.P. No.3640 of 2021 and C.M.P. No.5896 of 2021 in C.M.A. No.1603 of 2005.

4. Learned counsel appearing for both sides agreed that this Civil Revision Petition may be closed ordering stay of proceedings in E.P. No.928 of 2019, till the disposal of C.M.A. No.1603 of 2005.

5. Recording the submissions of both the counsel, this Civil Revision Petition is closed. No costs. Consequently, connected miscellaneous petition is closed. The further proceedings in E.P. No.928 of 2019, pending on the file of VI Judge, Small Causes Court, Chennai, is stayed till the disposal of C.M.A. No.1603 of 2005. The memo filed by the petitioner dated 23.08.2021, shall form part and parcel of this order.

25.08.2021

Index: Yes / No

Speaking order / Non speaking order
bkn

G.CHANDRASEKHARAN. J.,

bkn

Copy To:

The VI Judge, Small Causes Court, Chennai.



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