

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Seventh day of April Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MS JUSTICE R.N. MANJULA

CMP No.8690 of 2019

IN WA NO.1274 of 2019

S.SUBBIAH

[PETITIONER]

Vs

1 THE PRESIDENT [RESPONDENTS]
DISTRICT CONSUMER DISPUTES, REDRESSAL FORUM
CHENNAI (NORTH), NO.212, R.K.MUTT ROAD, 1ST FLOOR,
MYLAPORE, CHENNAI-600004 NOW AT BEHIND TNPSC,
TNPSC ROAD, VOC NAGAR, PARK TOWN,
CHENNAI 600003

2 S.SUBRAMANIAN

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 OP no.188/2005 on the file of the first respondent herein, (CMP.8690/2019) pending disposal of the above Writ Appeal.WA.1274/2019

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.V.ARUN, advocate FOR M/S.ELIZABETH RAVI, Advocate for the petitioner and of respondent not appearing either in person or by an advocate the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

Heard Mr.A.V.Arun, learned counsel for the appellant/petitioner. Despite service of notice and the names of the respondents having been printed in the cause list, there is no representation for the respondents.

2.The appellant/petitioner is a senior counsel of repute. He was the counsel for the second respondent in the writ petition filed, challenging the charge memo on the premise that subsistence allowance has not been paid. During the pendency of the aforesaid proceedings, the second respondent file a suit, challenging the suspension order. On a query raised by the Court, the appellant/petitioner submitted that he has instructed the second respondent to withdraw the suit. After holding that the writ petition is not maintainable in view of the judgment of the Full Bench in Marappan's case and taking note of the affidavit, the writ petition was closed.

3.A review was filed against the order with respect to the statement made by the appellant and the review was also closed. In the meanwhile, the second respondent filed an appeal against the order of the learned single Judge, which was also dismissed.

4.Mr.A.V.Arun, learned counsel for the appellant/petitioner, placing reliance on the facts, submitted that the complaint itself is frivolous and without any basis. Therefore, the order requires interference.

5.Prima facie, we are of the view that the complaint requires to be rejected. The complaint is on the footing that the points raised have not been argued. The learned single Judge dismissed the earlier writ petition on the premise that the writ petition itself is not maintainable. On the statement made by the appellant/petitioner, the review filed was also dismissed. In fact, the writ appeal filed by the second respondent in W.A.No.4096 of 2003 was also dismissed. Therefore, it cannot be comprehended as to how the appellant/petitioner would be responsible for the dismissal of the writ petition.

6.Though the writ petition itself is liable to be allowed, we are inclined to give one more opportunity to the second respondent to putforth his case before this Court. In such view of the matter, interim stay already granted is made absolute and this miscellaneous petition is disposed of accordingly.

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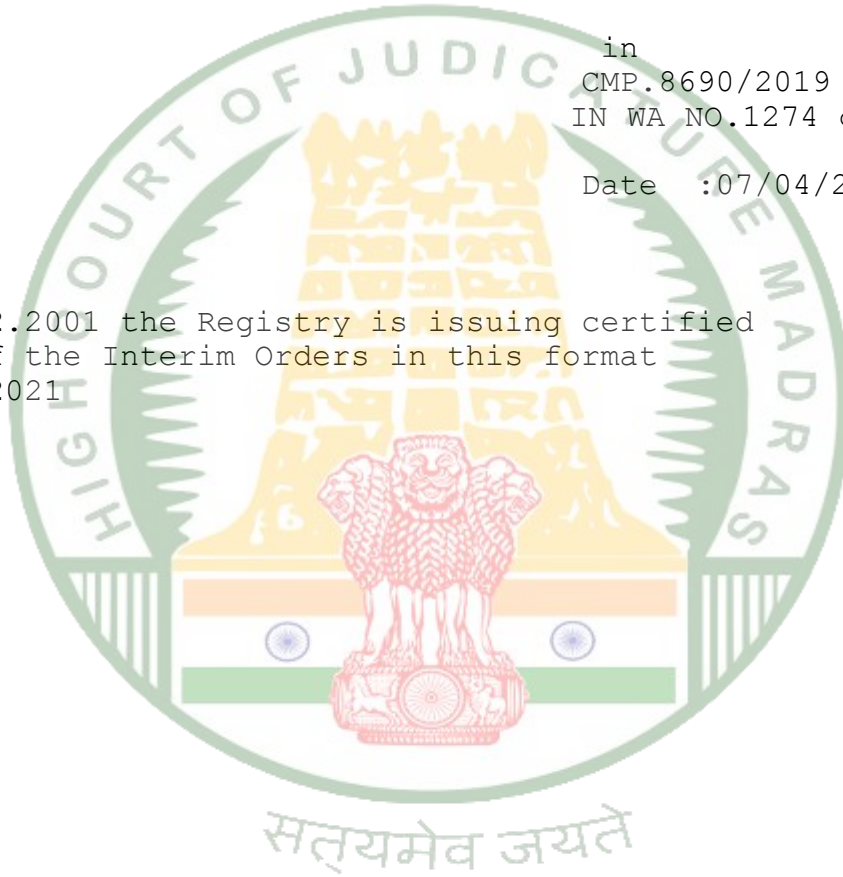
THE PRESIDENT
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Order

in
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Date :07/04/2021

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