

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.3792 of 2016

and

CMP.No.19345 of 2017 and CMP.No.108 of 2017

M/s.Dennis Steels Pvt. Ltd.,
No.134/1, Valavanadu, Kalavoor Post,
Alappuzha – 688 522,
Rep.by its Managing Director,
Mr.Konath Jacob Dennis ... Petitioner

Vs.

1. M/s.Annai Builders Real Estates Pvt.Ltd.,
Alpha Center 4th Floor,
150/151, North Usman Road,
T.Nagar, Chennai – 600 017,
Rep.by its Authorised Signatory,
Mrs.S.Vedavalli.
2. M/s.Rainbow Foundations Ltd.,
No.4, Thanikachalam Road,
T.Nagar, Chennai – 600 017,
Rep.by its Joint Managing Director,
Mr.Gajraj Jain. ... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 05.11.2016 passed in I.A.No.143 of 2016 in O.S.No.45 of 2016, on the file of the II Additional District Court, Ranipet (previously I.A.No.230 of 2016 in O.S.No.102 of 2016 on the file of the Principal District Judge, Vellore).

For Petitioner : Mr.E.Om Prakash
Senior Counsel Assisted by
Mr.P.Elayarajkumar for
M/s.Ramalaingam & Associates.

For Respondents : Mr.AR.L.Sundaresan
Senior Counsel Assisted by
Mr.K.Rajasekaran (for R1 & R2)

ORDER

This Civil Revision Petition is directed as against the docket order passed in I.A.No.143 of 2016 in O.S.No.45 of 2016 dated 05.11.2016 on the file of the learned II Additional District Judge, Ranipet, thereby, ordering status quo to be maintained.

2. The petitioner is the defendant and the respondents are the plaintiffs. The respondents filed the suit for declaration to declare that the letter dated 18.10.2016 issued by the petitioner to revoke the General Power of Attorney dated 23.06.2015 registered as document No.3689 of 2015 on 27.04.2015, is illegal and unlawful. Further, they prayed for declaration to declare that the letter dated 21.03.2016 issued by the petitioner to cancel the sale agreement dated 01.11.2013 entered into between the first respondent herein and the petitioner based on their Board Resolution dated 12.10.2016,

is illegal and unlawful and also prayed for permanent injunction. The Court below, after hearing the arguments in I.A.No.143 of 2016 passed docket order under Order 39 Rules 1 and 2 of the Code of Civil Procedure and ordered the status quo to be maintained till then, without any reasons, as required under Order 39 Rules 1 and 2 of the Code of Civil Procedure.

3. On a perusal of the order, it reveals that the Court below did not state any reasons for passing the ex-parte order of status quo.

4. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the respondents 1 and 2 fairly submitted that when the Court below committed mistake, the party should not be punished. However, the Court below may be directed to dispose of I.A for interim injunction on merits and in accordance with law.

5. Considering the above submission, this Civil Revision Petition is allowed and the docket order passed in I.A.No.143 of 2016 in O.S.No.45 of 2016 dated 05.11.2016 is set aside. The Court below is directed to dispose of I.A.No.143 of 2016 in O.S.No.45 of 2016, after giving opportunity to the petitioner, on merits and in accordance with law, within a period of eight

weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

18.03.2021

Speaking/Non-speaking order

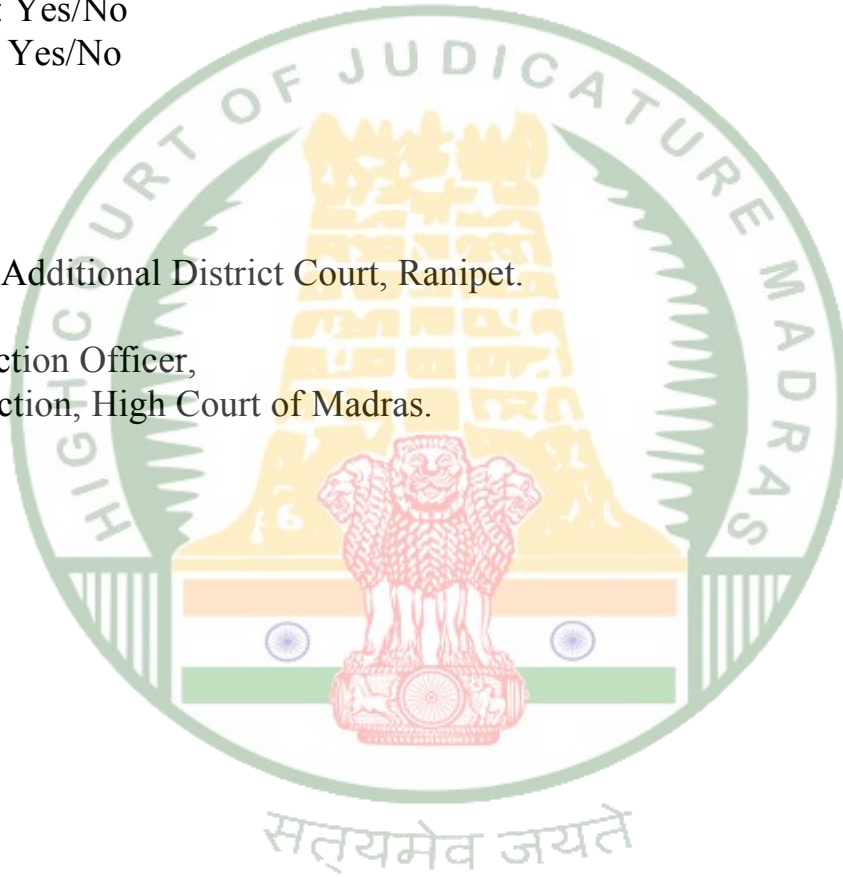
Index : Yes/No

Internet : Yes/No

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To

1. The II Additional District Court, Ranipet.
2. The Section Officer,
V.R.Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

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