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C.R.P(NPD).No.3169 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(NPD).No.3169 of 2019

M/s.Aksious Technologies India Private Limited,
Rep. by its Managing Director,
Mr.A.K.Riaz,
154/F, S.F.No.597/1B,
Madukkarai Village and Post,
Near L & T Bye pass,
Coimbatore - 641 105.

Mr.Arangadkunhu Mohammad Riaz,
154/F, S.F.No.597/1B,
Madukkarai Village and Post,
Near L and T Bypass,
Coimbatore - 641 105.

... Petitioner

Versus

M/s.Crompton Greaves Consumer Electricals Limited,
Rep. by Authorised Signatory,
Shri T.S.Thiraviam DGM (Legal),
Tower 3, 1st Floor,, East Wing,
Equinox Business Park,
LBS Marg, Kurla (West),
Mumbai.

... Respondent



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the petition and order in I.A.No.1 of 2019 dated 27.08.2019 in O.S.No.609 of 2018, on the file of the Principal District Court, Coimbatore.

For Petitioner : Mr.HS Hredai

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed against the petition and order in I.A.No.1 of 2019 dated 27.08.2019 in O.S.No.609 of 2018, on the file of the Principal District Court, Coimbatore.

2.The learned counsel appearing for the petitioner is appeared and there is no representation for the respondent.

3. I.A.No.1 of 2019 was filed by the plaintiff, seeking attachment of the properties as detailed in the petition, in order to safeguard the suit claim concerned in O.S.No.609 of 2018.



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4. The revision petitioner herein is the defendant in the suit and the respondent in I.A.No.1 of 2019. In spite of notice given to them they have not filed any objection. Thereafter, the trial Court directed to furnish the security and since they failed, the properties were attached.

5. The learned counsel appearing for the petitioner would submit that the properties which were attached belong to the second petitioner and no way connected to the first respondent/first defendant company concerned and he prayed to set aside the order passed by the trial Court.

6. On perusal of records it reveals that in O.S.No.609 of 2018, the respondent/plaintiff filed a suit for recovery of money claim more than one crore and also prayed to attach the property said to have belonged to the defendants in I.A.No.1 of 2019. The said application was taken on file and the notice was also given to the defendants but they have not filed any objection. So the trial Judge directed them to furnish security on or before 23.09.2019 as they failed the properties were ordered to be attached.



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7. The learned counsel appearing for the petitioner submits that the petitioner is having valid defence to disprove the contention of the plaintiff. Hence, he prayed to set aside the order. Immediately, after passing of the order in I.A., the defendants preferred this revision and they are having valid defence to prove their claim and fair opportunity is to be given to the parties. Furthermore, the order is exparte one and to avoid multiplicity of proceedings and to give fair opportunity to the defendants/revision petitioners, this Court is inclined to set aside the order passed in I.A.No.1 of 2019 by the trial Judge with the direction to file objection before the trial Court in I.A.No.1 of 2019 within a period of four weeks from the date of receipt of a copy of this order and to defend the same, accordingly, in the manner known to law.

8. Accordingly, this Civil Revision petition is allowed and the order passed in I.A.No.1 of 2019 is set aside.

28.10.2021

Internet : Yes / No

Index : Yes / No

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WEB COURT
To
The Principal District Court,
Coimbatore.

T.V.THAMILSELVI, J.



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