

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.3192 of 2017
and C.M.P.No.14937 of 2017

1.Chitra
2.Boopathi

.. Petitioners

Vs.

M/s.Sree Thendral Finance,
Registered Firm,
Represented by its Manager C.Natarajan,
No.67, Kamarajar Street, Maniam Complex,
Salem 636 001.

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the
Constitution of India against the fair and final order dated 22.08.2016
made in I.A.No.173 of 2016 in A.S.No.96 of 2015, on the file of the
Principal District Court, Salem.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Ms.J.Prithivi
for M/s.S.Kaithamalaikumaran

ORDER

(The matter is heard through 'video conferencing/hybrid mode')

This Civil Revision Petition is filed against the fair and final order dated 22.08.2016 made in I.A.No.173 of 2016 in A.S.No.96 of 2015, on the file of the Principal District Court, Salem.

2.Heard the learned counsel appearing for the petitioners as well as the respondent and perused the entire materials on record.

3.The petitioners are respondents in A.S.No.96 of 2015 and defendants in O.S.No.402 of 2012 on the file of the II Additional Sub Court, Salem. The respondent filed the said suit for recovery of money. After contest, the said suit was dismissed and the respondent filed A.S.No.96 of 2015. In the First Appeal, the respondent filed I.A.No.173 of 2016, for amendment of the plaint viz., the alphabet with regard to number of vehicle hypothecated by the petitioners as “TN 31 K-9533”,

instead of “TN 31 F-9533”. The petitioners filed counter affidavit and resisted the same on various grounds. The learned Judge, by the order dated 22.08.2016, allowed the said I.A.

4. Against the said order dated 22.08.2016 made in I.A.No.173 of 2016, the petitioners have come out with the present Civil Revision Petition.

5. From the order of the learned Judge, it is seen that the learned Judge has not given any reason for allowing the application. The order of the learned Judge is a non-speaking order, without considering the averments in the affidavit and counter affidavit. The learned Judge has committed an error and irregularity in passing a non-speaking order. In view of the same, the impugned order of the learned Judge is set aside and I.A.No.173 of 2016 is remitted to the Principal District Court, Salem, for fresh consideration. The learned Principal District Judge, Salem, is directed to dispose of I.A.No.173 of 2016 on merits and in accordance

with law, within a period of two months, from the date of receipt of a copy of this order.

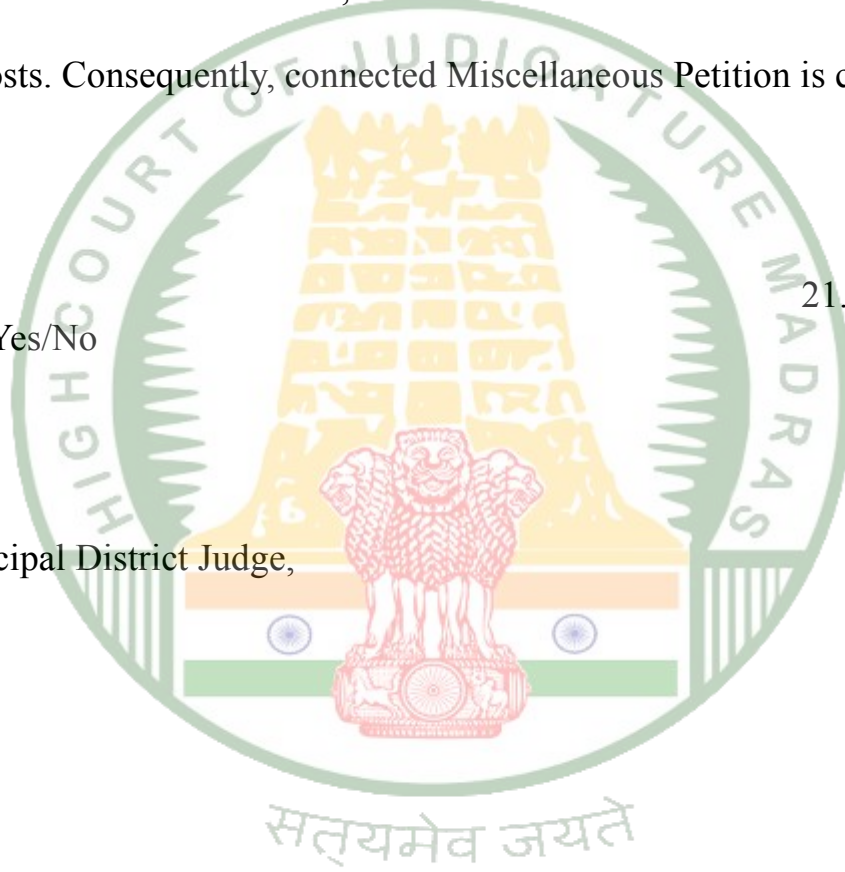
With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.09.2021

Index :: Yes/No
gsa

To

The Principal District Judge,
Salem.

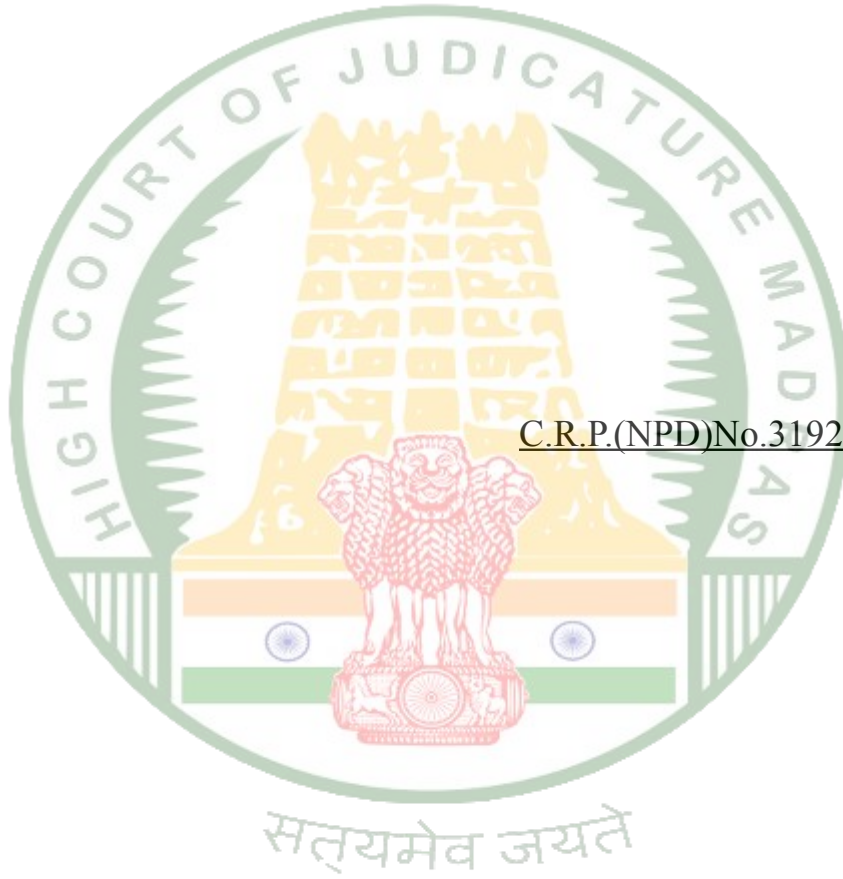


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V.M.VELUMANI, J.

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