



WEB COPY

C.M.A(MD).No.736 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.A(MD).No.736 of 2021

and

C.M.P(MD) No.6723 of 2021

T.Ramasethu

...Appellant

-vs-

1.The Competent Authority/
Special District Revenue Officer,
Madurai

2.R.M.Wealth Creation India PVT Ltd.,
No.176/6A2, Eddur Village,
Sathur Taluk, Virudhunagar,
Represented through its
Managing Director,
Raja S/o. Subbaiah,
No.4128, State Bank Colony,
N.T.Complex, Mundaga Nadar St.,
Sivakasi, Virudhunagar District.
K.Maruthupandian, S/o. Krishnasamy
15/31, Asari Street,
Satchiyapuram,
Sivakasi,
Virudhunagar District.

3. S.Ramesh Kumar

4. S.Seenivasan

5. T.Poothiraj

.... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 11 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997 & Order 43, Rule 1(d) of Civil Procedure Code, 1908, to set aside the impugned judgment and Decree passed in O.S.No.6 of 2015 dated 23.12.2020 on the file of the Special Court under TNPID Act Cases, Madurai.

For Appellant : Mr.V.Karthikeyan

For R1 : Mr.A.Baskaran

Government Advocate

For R2 to R4 : No appearance

O R D E R

This Civil Miscellaneous Appeal has been filed seeking a direction to set aside the impugned judgment and Decree passed
<https://hcservices.ecourts.gov.in/hcservices/>



in O.S.No.6 of 2015 dated 23.12.2020 on the file of the Special Court under TNPID Act Cases, Madurai.

2. Heard Mr.V.Karthikeyan, learned counsel appearing for the appellant and Mr.A.Baskaran, learned Government Advocate appearing for the first respondent.

3. This Civil Miscellaneous Appeal has been filed seeking a direction to set aside the impugned judgment and Decree passed in O.S.No.6 of 2015 by the Special Court under TNPID Act Cases, Madurai, since the order was passed on 23.12.2020, during the Pandemic Period. Therefore, the order of the Court below may be set aside and the matter may be remanded back to TNPID Court.

4. The learned Government Advocate appearing for the first respondent opposed the matter remanding back to the court below.

5. On perusal of the records it is seen that the case in C.C.No.8 of 2015 is pending before the TNPID Court, Madurai. The respondents had not filed any counter in O.S.No.6 of 2015 and the order was passed by the TNPID Court, Madurai on 23.12.2020. It is true that the order was passed on 23.12.2020, during the Pandemic Period, against the Circular issued by this Court. Therefore, the order of the Court below is liable to be set aside and the matter may be remanded back to TNPID Court, Madurai.

6. Considering the facts and circumstances of the case, this Civil Miscellaneous Appeal is allowed and the impugned Judgment and Decree passed in O.S.No.6 of 2015 by the Special Court under TNPID Act Cases, Madurai, is set aside and the matter is remanded back to the Special Court under TNPID Act Cases, Madurai. The TNPID Court is directed to take up the case in C.C.No.8 of 2015 along with the Suit in O.S.No.6 of 2015 and dispose of the same, as expeditiously as possible. No costs. Consequently the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Special Court under TNPID Act Cases,
Madurai.

COPY TO: -

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-29834[F] dated 22/09/2021)

+1 CC to M/s.SPL.GP (SR-29884[F] dated 22/09/2021)

C.M.A(MD) .No.736 of 2021

and

C.M.P(MD) No.6723 of 2021

21.09.2021

SJ(CO)

GC(27.10.2021) 3P 6C