



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

CMP.NO.5289 OF 2022

IN CRP(NPD)NO.1689 OF 2018

1 J.ANUSUYA (SINCE DECEASED) [PETITIONERS]

2 J.SUNDEEP ANAND,
DIRECTOR, M/S.J.HOTELS PVT.LTD.,
NO.35/37, G.N.CHETTY ROAD,
T.NAGAR, CHENNAI - 600 017.

(PETITIONER-2 BROUGHT ON RECORD AS LRS OF THE DECEASED P-1 VIZ
J.ANUSUYA VIDE COURT ORDER DATED 21/03/2022 MADE IN
CMP.2572/2022 IN CRP.1689/2018 CVKJ)

Vs

THE COMMISSIONER, [RESPONDENT]
GREATER CHENNAI CORPORATION,
RIPON BUILDING, CHENNAI - 600 003.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Restore to file C.M.P.No.9295/2018 in C.R.P.No.1689 of 2018 which was dismissed for default by this Hon'ble Court on 15.06.2021 (CMP.NO.5289/2022 in CRP(NPD)NO.1689/2018)

Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ASHOK MENON, Advocate for the petitioners, the court made the following order:-

This application has been filed seeking to restore C.M.P.No. 9295 of 2018 in C.R.P.No. 1689 of 2018.

2. The Civil Revision Petition was dismissed for non prosecution on 15.06.2021 and thereafter, C.M.P.No. 2577 of 2022 was filed seeking to restore the Civil Revision Petition but also including a relief to restore C.M.P.No. 9295 of 2018.



3. In view of the fact that either the Civil Revision Petition or the Civil Miscellaneous Petition alone could be restored, this Court by order dated 21.03.2022 had restored C.R.P.No. 1689 of 2018 on file. But this gave rise to another issue, namely, that the petitioner had the benefit of stay of any coercive proceedings to be initiated by the respondents and that stay had granted in C.M.P.No. 9295 of 2018. Since that Civil Miscellaneous Petition had also been dismissed for non prosecution, the present Civil Miscellaneous Petition has been filed to restore C.M.P.No. 9295 of 2018.

4. In view of the fact that it would only be appropriate that the issues are heard on merits, this Petition is allowed. C.M.P.No. 9295 of 2018 is restored back to file.

5. The further issue to be examined is whether the stay, which had already been granted would accrue and continue to accrue to the benefit of the petitioner herein.

6. It is contended by the learned Standing Counsel for the respondent that though the petitioner is paying the taxes, there has been irregular payment and the entire amount, which has to be paid has been paid but rather part amounts are paid. That is an issue, which can be resolved only between the petitioner and the respondent.

7. Let me not enter into a discussion on that aspect.

8. It would only be appropriate that the entire issues raised in the main Civil Revision Petition are is heard. On condition that the learned counsel for the petitioner should advance arguments in the Civil Revision Petition itself on 12.04.2022, there shall be an extension of the interim stay already granted till 12.04.2022.

9. Post the Civil Revision Petition for hearing on 12.04.2022.

-sd/-
30/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

THE PRINCIPLE JUDGE,
CITY CIVIL COURT,
CHENNAI.

+2 C.C. to M/S.ASHOK MENON, Advocate SR.NO.2366/2022

Order
in
CMP.NO.5289 OF 2022

IN CRP (NPD) NO.1689 OF 2018

Date :30/03/2022

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