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C.R.P.No.1321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition (NPD).No. 1321 of 2023

1. S.Nalini

2. Dinesh

3. Madhumitha

... Petitioners

Vs.

M/s. Alfa Chemicals
Rep. by its Managing Director
K.P.Shanmugam

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction to the III Additional District Court, Salem to dispose of I.A.No.3 of 2021 in I.A.No.368 of 2014 in O.S.No.165 of 2011 within a time frame fixed by this Court instead of granting periodical adjournments.

For Petitioners : Mr.S.Mukunth, Senior Counsel
For Mr.H.Shabeer Ali



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ORDER

Heard the learned counsel appearing for the revision petitioners.

2. The Civil Revision Petition is filed for direction to the learned III Additional District Judge, Salem, to dispose of I.A.No.3 of 2021 in I.A.No.368 of 2014 in O.S.No.165 of 2011 within a specified time fixed by this Court.

3. According to the learned counsel for the revision petitioners/defendants 2 to 4, the respondent herein has filed O.S.No.165 of 2011, for recovery of money which was dismissed, on the ground that the respondent has not filed the documents to proceed further. Later, an application was filed by the respondent/plaintiff in I.A.No.368 of 2014, to review the earlier order of dismissal in O.S.No.165 of 2011 and in the said I.A., the first petitioner/second defendant, was set ex-parte and said I.A was allowed, suit was restored. Subsequently, the suit was decreed.

4. The petitioners/defendants have filed in I.A.No.4 of 2021, seeking to set aside the ex-parte order dated 30.03.2016 passed in I.A.No.368 of



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2014 in O.S.No.165 of 2011 along with petition to condone the delay of 1633 days in I.A.No.3 of 2021. It is submitted that the respondent/plaintiff has not filed counter also. But in the meanwhile, the respondent/plaintiff has filed Execution Petition to execute the decree.

5. Considering the fact that I.A.No.3 of 2021 is still pending for disposal and the Execution Petition has already been filed, the learned III Additional District Judge, Salem is directed to dispose of I.A.No.3 of 2021, I.A.No.4 of 2021 in I.A.No.368 of 2014 in O.S.No.165 of 2011 as expeditiously as possible, but not later than 31.07.2023.

6. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

24.04.2023

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The III Additional District Judge, Salem.
2. The Section Officer, V.R.Section,
High Court, Madras.



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Dr. D. NAGARJUN, J.,

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