



WEB COPY



Review Application No.153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**Review Application No.153 of 2023**

**against**

**C.R.P.No.3540 of 2017**

1. M/s Tech up Engineering Pvt Ltd,  
represented by its Chairman and Managing Director,  
Thiru Nagar, North Kattur,  
Trichy-620 019.

2. E.Illavarasu

3. S.Rajkumar

4. K.Rethinam

... Applicants

-Vs-

Metal's & Metal (Electric) Pvt.Ltd,  
represented by its Managing Director,  
Kantilal Jain,  
No.136/1, Govindappa Naicken Street,  
Parrys, Chennai-600 001.

... Respondent

**Prayer:-** Review Application filed under Order 47 Rule 1 of CPC to review the application against the order passed in CRP No.3540 of 2017 dated 02.03.2023 on the file of this Hon'ble Court.

For Applicants : Mr.V.Illanchezian

For Respondent : Mr.R.Abdul Mubeen



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**ORDER**

This Review Application has been filed to review the application against the order passed in CRP No.3540 of 2017 dated 02.03.2023 on the file of this Hon'ble Court, thereby dismissing the Civil Revision Petition as infructuous.

2. Heard the learned counsel for the applicants and the learned counsel for the respondent and perused the materials available on record.

3. The Civil Revision Petition in CRP No.3540 of 2017 was filed as against the fair and decreetal order dated 17.11.2016 passed in I.A.No.93 of 2016 in O.S.No.1365 of 2016 on the file of the XVIII Additional City Civil Court, Chennai. The said suit was filed by the respondent for recovery of money. In the said suit, the applicants filed an application in I.A.No.93 of 2016 for leave to defend the suit in O.S.No.1365 of 2016.

4. The said application was dismissed by a fair and decreetal order dated 17.11.2016 in I.A.No.93 of 2016 in O.S.No.1365 of 2016. On the same day, in pursuant to the dismissal of the leave to defend application, the main suit itself was decreed in favour of the respondent herein.



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5. However, this Court dismissed the Civil Revision Petition as infructuous, on the ground that the main suit itself was already disposed of as represented by the learned counsel for the petitioner herein. When the suit is filed for recovery of money and when the application to leave to defend was dismissed, the suit will be decreed automatically. Therefore, Civil Revision Petition filed against the fair and decreetal order passed in leave to defend application is very much alive and it has to be considered on merits.

6. In view of the above, the order passed in CRP No.3540 of 2017 dated 02.03.2023 is hereby recalled. This review application stands allowed. There shall be no order as to costs.

09.08.2023  
(1/2)

Internet : Yes  
Index : Yes/No  
Speaking order/Non-speaking order  
mn



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**G.K.ILANTHIRAIYAN, J.**

mn

To

The Managing Director,  
Metal's & Metal (Electric) Pvt.Ltd,  
Kantilal Jain,  
No.136/1, Govindappa Naicken Street,  
Parrys, Chennai-600 001.

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