



Rev. Appln. No. 231 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11 .07. 2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Rev. Appln. No. 231 of 2022

M/s Integrated Finance Company Limited,
Vairams, 112, Thyagaraja Road,
T.Nagar, Chennai – 17.

...Petitioner

Vs.

1.M/s Trimurthi Hi-Tech Co. (P) Ltd.,
Reb by its Director,
Mr.B.L. Kabra,
No. 59, 1st Floor, Nelson Manickam Road,
Aminjikarai,
Chennai – 029.

2.Mr.B.L.Kabra,
Director,
M/s. Trimurthi Hi-Tech Co. (P) Ltd.,
No.7, Anthony Street, II Floor,
Royapettah,
Chennai – 14.

3.S.Swaminathan,
No.7, Anthony Street, II Floor,
Royapettah,
Chennai – 14.

...Respondents



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PRAYER : This Civil Review Application filed under Section 114 r/w Order 47 Rule 1 of Code of Civil Procedure, praying to review the order dated 06.09.2022 passed in CRP No. 2809 of 2018 and allow the same.

For Petitioner : Mr. V.P. Raman
For Respondents: Mr. B. Kotteswaran

ORDER

This review application has been filed to review the order dated 06.09.2022 passed in CRP No. 2809 of 2018 and allow the same.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The respondents herein filed CRP No. 2809 of 2018 before this Court to set aside the Conditional order imposed on the respondent in I.A No. 12298 of 2016 in O.S No. 11315 of 2010 dated 09.07.2018. This Court while allowing the said CRP No. 2809 of 2018 directed the petitioner to deposit a sum of Rs.4,00,000/- in O.S No. 11315 of 2010 and also directed the Trial Court to receive the additional written statement and proceed the case. But the fact remains that defendant ought to have filed the application to set aside the exparte decree in which the plaintiff is entitled to raise his objection. Hence the reason assigned by the petitioner is justifiable.



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Hence, paragraph No. 4 of the order passed this Court in CRP No. 2809 of 2018 dated 06.09.2022 is modified as follows:

4. During the argument, the learned counsel for petitioners submitted that already in the execution proceedings, he has paid a sum of rs. 4,25,000/- and he is ready to deposit a sum of Rs.4,00,000/- before the Trial Court. Now, at the most, he is ready to comply the order passed by the Trial Court. Hence, the 2nd petitioner is directed to deposit a sum of Rs.4,00,000/- in O.S No. 11315 of 2016 within a period of two weeks from the date of receipt of a copy of this Order and he is also directed to cooperate for the Trial proceedings as per manner known to law. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected C.M.P stands closed.

5. Accordingly, this Review application is disposed of. No cost. Consequentially, connected miscellaneous petition is closed.

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T.V.THAMILSELVI,J.

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