



C.M.P.Nos.21520, 21522, 21598 & 21599 of 2023
C.R.P.Nos.354 & 347 of 2020

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V.LAKSHMINARAYANAN,J.,

C.M.P.Nos.21520 & 21598 of 2023 have been filed to re-open the above said Civil Revision Petitions.

C.M.P.Nos.21522 & 21599 of 2023 have been filed under Section 148 of CPC, to extend the time for complying with the order dated 17.08.2023 in the above said Civil Revision Petitions.

2.By an order dated 17.08.2023, both the Civil Revision Petitions were allowed with a direction to deposit the entire suit claim by way of a fixed deposit and to surrender the fixed deposit receipts to the Court on or before 31.08.2023.

3.Mr.Thriyambak J Kannan, learned counsel for the petitioner would submit that the deposits have been made one day before the last date i.e., 30.08.2023. However, the order copy itself was uploaded only on 04.09.2023. Therefore, the City Civil Court, Chennai has directed the party to get an order of extension of time.



4. I have verified the fixed deposit receipts and it confirms to be the statement made by Mr.Thriyambak J Kannan, that it has been taken on 30.08.2023. The delay on the part of uploading the order copy should be taken note of.

5. Both the counsels agreed that this is a suit which is covered by the Commercial Courts Act. Therefore, it cannot continue on the file of the City Civil Court, Chennai. The City Civil Court shall record the compliance of the order and thereafter, transfer the same to the Commercial Court at Egmore.

6. Accordingly, C.M.P.Nos.21522 & 21599 of 2023 are allowed. I failed to understand how an application under Order 9 Rule 9 CPC is maintainable, when the CRP itself has been disposed of on merits and an application under Section 148 of CPC would suffice C.M.P.Nos.21520 & 21598 of 2023 are unnecessary and accordingly, the same are dismissed.

7. The Commercial Court shall not hand over the Fixed Deposit to the plaintiff or the defendant till the disposal of the suit. The Fixed Deposit shall be returned on the basis of the orders passed in the suit.



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8. Both the counsels have also requested this Court to extend the time fixed for filing of the written statement from 30.09.2023 to 09.10.2023. Accordingly, on the consent of both the counsels, the time for filing the written statement is extended till 09.10.2023.

25.09.2023

vkr

Note: Issue order copy on today i.e., 25.09.2023



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V.LAKSHMINARAYANAN,J.,

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25.09.2023