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C.R.P.No.4813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

C.R.P.No.4813 of 2023 &
C.M.P.No.28562 of 2023

K.Vadivel Murugan

... Petitioner

Vs.

Central Warehousing Corporation
rep. By its Regional Manager
having its office at
No.4, North Avenue, Srinagar Colony,
Saidapet, Chennai – 600 015.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India seeking for a direction to hear IA.No.2 of 2022 in O.S.No.2686 of 2020 pending on the file of the XV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.Vishnu

ORDER

The revision petitioner filed a suit in O.S.No.2686 of 2020, against the defendant for recovery of money with interest as well as damages. Pending the suit, he filed another application in I.A.No.2 of 2022 praying for a



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direction to the defendant to pay a sum of Rs.8,12,644/- together with interest to the petitioner/plaintiff as he is facing income tax proceedings.

2. Learned counsel for the petitioner submits that the interlocutory application was ordered to be tried along with the main suit, though after hearing the arguments on either side and posted for reply arguments in the said interlocutory application. Since the petitioner is facing tax enquiry before the authority concerned, with respect to payment of TDS, there is a necessity arose for the plaintiff/petitioner to take the interlocutory application for enquiry.

3. Heard the submissions of the learned counsel for the petitioner and perused the materials available on record.

4. Considering the facts and circumstances of the case, the order passed by the trial court with regard to the disposal of I.A. along with the suit is deleted and the trial court is directed to dispose of I.A.No.2 of 2023 within a period of six weeks from the date of receipt of a copy of this order on merits.



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5. With the aforesaid direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No

To

1.The XV Additional Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI,J.

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