



C.R.P(MD)No.594 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2023**

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.594 of 2018

and

C.M.P(MD)Nos.2649 of 2018 and 3070 of 2021

1.D.J.Gunaseelan

2.P.Arumugham

3.Stella Gunaseelan

...Petitioners/Respondents/
Respondents

Vs.

Shriram Chits Tamilnadu (P) Limited,
Balavinayagar Kovil Street,
Tuticorin,
Represented by its,
Managing Director.

...Respondent/Petitioner/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 02.03.2018 passed in E.P.No.56 of 2017 in C.C.No.119 of 2006 on the file of the Principal District Court, Tirunelveli.

For Petitioners : Mr.Nirajan S.Kumar

For Respondent : No Appearance



C.R.P(MD)No.594 of 2018

ORDER

WEB COPY

This civil revision petition has been filed against the order of attachment passed by the Court below vide order dated 02.03.2018 in E.P.No.56 of 2017 in C.C.No.119 of 2006.

2. The learned counsel for the petitioners would submit that the very award passed by the Assistant Chit Registrar is without even issuing notice to the petitioners herein. Therefore, he would submit that the very award itself is liable to be set aside. In this regard, the learned counsel for the petitioners would submit that, when such illegalities were committed by the Chit Registrar, at earlier point of time against this petitioner, a writ petition was filed in W.P.(MD)No.27 of 2010. Wherein, earlier award dated 20.11.2009 was set aside. Thereafter, instant award in C.C.No.119 of 2006 was passed by the Chit Registrar on 15.04.2016.

3. Based upon this award, dated 15.04.2016, the respondent herein preferred an execution application in E.P.No.56 of 2017. In which this respondent has appeared. However, they did not file a counter statement. Hence, an order of attachment was passed.



WEB COPY

4. When the matter was taken up before this Court, this Court has posed a question as to why the application to set aside the *ex parte* order was not filed before the Court below.

5. The learned counsel for the petitioners would fairly concede that he may be given an opportunity to move with an application before the trial Court to set aside the *ex parte* order, and he has also prayed this Court while filing an application before the Court below, the period in which he is bonafidely prosecuted before this Court may order to be excluded, and also prayed that until filing an application to set aside the *ex parte* order, the stay, which has been granted by this Court and continued till date may order to be extended.

6. I have given my anxious consideration to the submission of the learned counsel for the petitioners.

7. This Court is of the view that, when there is a provision to set aside the *ex parte* order before the Court below, this Court could not find any merits in the civil revision petition. However, having considered the submissions made by the learned counsel for the petitioners, this Court



C.R.P(MD)No.594 of 2018

grant leave to the petitioners to move an application before the Court below to set aside the *ex parte* order within a period of four weeks from the date of receipt of copy of this order. In doing so, the period in which this civil revision is pending before this Court is ordered to be excluded, while calculating the time limit for filing an application to set aside the *ex parte* order, and this Court is also extend the interim stay granted in C.M.P(MD)Nos.2649 of 2018 and 3070 of 2021 for a period of two weeks only from the date of receipt of the copy of this order.

8. In the result, this civil revision petition stands **disposed of** subject to the above finding. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

1.The Principal District Court,
Tirunelveli.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.594 of 2018

C.KUMARAPPAN,J.

SN

C.R.P(MD)No.594 of 2018

02.08.2023