



WEB COPY



C.R.P.No.972 & 973 of 2024 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.972 & 973 of 2024
C.M.P.No.4964 & 4967 of 2024

Casio Electricals,
Represented by E.Laxman,
S/o.Mr.Ekambaram,
No.65/44, Pushpa Enclave,
K.S.Nagar, Pallikudam Street,
Kolathur, Chennai-600 099

... Petitioner in both CRP's

Vs.

Mr.Arihand Business Corporation
Represented by its Proprietor Chain Shop
Hiravat Karta of HUF,
No.7, 7th block, TNHB Industrial Estate,
Kodungailur, Chennai-600 118

...Respondent in both CRP's

PRAYER in CRP.No.972 of 2024: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, praying to set aside the order passed in E.A.No.3 of 2022 in E.P.No.2794 of 2019 in O.S.No.1509 of 2018 dated 06.07.2023 passed by the learned X Assistant City Civil Judge at Chennai.



C.R.P.No.972 & 973 of 2024 of 20..

PRAYER in CRP.No.973 of 2024: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, praying to set aside the order passed in E.A.No.2 of 2022 in E.P.No.2794 of 2019 in O.S.No.1509 of 2018 dated 06.07.2023 passed by the learned X Assistant City Civil Judge at Chennai.

For Petitioner in both CRP's :Mr.T.Sundaravadanam

COMMON ORDER

These Civil Revision Petitions are filed challenging the common order passed by the Executing Court dismissing the execution applications filed by the petitioner seeking to set aside the *exparte* order dated 09.01.2020 passed against the petitioner in E.P.No.2794 of 2019 and condone the delay of 934 days in seeking to set aside the *exparte* order.

2. In the affidavit filed in support of these applications, it was stated by the petitioner that he was not served with summons in the suit and also notice in the execution proceedings. It was his case that respondent has given a wrong address as if the petitioner was residing at Pattabiram house. However,



the petitioner has been residing at Pushpa Enclave, Kolathur for the past 20 years. Since the respondent has given a wrong address, notice was not served on the petitioner and he acquired knowledge about the pendency of the execution proceedings only when court amin visited his house. The Executing Court, on verification of records found that the address of the petitioner was given in the execution petition only as Pushpa Enclave, Kolathur and the very same address is mentioned in the affidavit sworn by the petitioner in the present applications. Therefore, the contention of the petitioner that respondent has given a wrong address as if petitioner was residing at Pattabiram house is falsified.

3. From the records, the Trial Court came to the conclusion that respondent has given correct address of the petitioner and notice was issued to the petitioner twice in execution proceedings. In both the occasions, the petitioner refused to receive the notice and therefore, he was set *exparte* and further proceedings were taken.



C.R.P.No.972 & 973 of 2024 of 2024.

WEB COPY

4. In view of the fact that the petitioner refused to receive notice issued by the Executing Court twice, this Court is not inclined to interfere with the order passed by the Executing Court.

5. Accordingly, both the Civil Revision Petitions stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed

25.03.2024

Index : Yes / No
Internet : Yes / No
nr

To
The X Assistant City Civil Judge, Chennai.



WEB COPY



C.R.P.No.972 & 973 of 2024 of 2024.

S.SOUNTHAR, J.

nr

CRP.No.972 & 973 of 2024
C.M.P.No.4964 &4967 of 2024

25.03.2024