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C.R.P. Nos. 4120, 4121, 4127 and 4133 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

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THE HONOURABLE MR. JUSTICE P.DHANABAL

C.R.P. Nos. 4120, 4121, 4127 and 4133 of 2022

and

C.M.P. Nos. 21426, 21431, 21482 and 21518 of 2022

M/s. Jaya Brothers,
Represented by its Proprietor
S.Jaya Prakasham,
No.28, Swaminathan Pillai Street,
Muthaliyarpet,
Pondicherry - 605 008.

... Petitioner in C.R.P. No. 4120 of 2022

M/s. Sri Sai Ram Centering Sheet Center,
Represented by its Proprietor
A.K.Vennilaeswari,
No.33, ECR Main Road,
Lawspet,
Puducherry - 605 008.

... Petitioner in C.R.P. No. 4121 of 2022

Paranthaman,
S/o. Nagalingam

... Petitioner in C.R.P. No. 4127 of 2022

Sai J.A.K.Saravana Kumar,
S/o. Arumugam @ Krishnan

... Petitioner in C.R.P. No. 4133 of 2022

Vs.

M/s. Dhanalakshmi Srinivasan Chit Funds (P) Limited,
No. 274/C, Thuraiyur Road, Perambalur,
Represented by its Foreman,
B.Arun Kumar

... Respondent in C.R.P. Nos.
4120, 4121 and 4127 of 2022



M/s. Dhanalakshmi Srinivasan Chit Funds (P) Limited,

No. 274/C, Thuraiyur Road, Perambalur,

Represented by its Foreman,

N.Mohan

... Respondent in C.R.P. No. 4133 of 2022

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, 1950, to set aside the orders dated 21.11.2022 passed in ARC Nos. 44, 43, 45 and 48 of 2021 by the District Registrar Chits - Perambalur in the memo filed by the petitioner and direct the District Registrar Chits - Perambalur to permit the petitioner to cross examine the witness of the respondent/disputant company in ARC. Nos. 44, 43, 45 and 48 of 2021 on the file of the District Registrar Chits - Perambalur, under Rule 49 of the Tamil Nadu Chit Fund Rules, 1984.

For Petitioner : Mr. P.Balamurugan
(in all C.R.P.s)

For Respondent : Mr. B.Kumar, Senior Counsel
(in all C.R.P.s) for M/s. Y.Jyothish Chander

COMMON ORDER

These Civil Revision Petitions have been preferred as against the orders dated 21.11.2022 made in ARC Nos. 44, 43, 45 and 48 of 2021 respectively passed by the District Registrar of Chits, Perambalur.

2. According to the petitioners they filed memo before the respondent to permit the petitioners to cross examine the witnesses of the respondent and



the same was declined through impugned orders dated 21.11.2022. Without hearing the petitioners, the said orders were passed by the respondent and thereby, the orders have to be set aside. The authority has not followed Rule 49 of the Tamil Nadu Chit Funds Rules, 1984 and not allowed the petitioners to cross examine the witnesses. Therefore, they filed memo and the same was declined.

3. The learned counsel appearing for the petitioners would contend that the petitioners are the respondents in ARC. Nos. 44, 43, 45 and 48 of 2021 respectively. They filed memo in all the cases for cross examination of the witnesses. But the said request was declined by the respondent and it is against Rule 49 of the Tamil Nadu Chit Funds Rules, 1984. Therefore, the orders passed by the respondent are liable to be set aside.

4. The learned counsel appearing for the respondent would contend that already orders were passed by the respondent in the main proceedings itself and thereby, these present Civil Revision Petitions became infructuous. The main order passed by the respondent in main case has not been challenged by the petitioners. Therefore, these petitions are liable to be dismissed.



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5. In reply, the learned counsel appearing for the petitioners would contend that after the petition mentioned impugned orders dated 21.11.2022 when the same was challenged before this Court, interim stay was granted. But thereafter, these petitioners received final order stating that it was passed on 21.11.2022. Therefore, at the time of receipt of the impugned order, in 9 cases no order was passed and the petitioners have not received any order to that effect. Therefore, they would take proper action against the respondent in accordance with law.

6. This Court heard both sides and perused the materials available on record.

7. In this case, it is an admitted fact that after the filing of these revision petitions, the main case itself was disposed of and thereby, these petitions became infructuous. Even if this Court allowed the application and set aside the orders of the respondent and allowed the petitioners to cross examine the witnesses, the main order passed may not be go automatically and it may have to be set aside. Therefore, without challenging the said final order in the manner known to law, there is no purpose will be served by passing orders in this application. Therefore, nothing survives for adjudication in these petitions.



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8. Under the above said circumstances, this Court is of the opinion that without going into the merits of the case, these petitions are liable to be dismissed as infructuous. However, liberty is granted to the petitioners to approach the appropriate forum to challenge the final order passed in the main petition in accordance with law and the petitioners are entitled to the benefit of Section 14 of the Limitation Act, 1963, for the period of pendency of these petitions.

9. With the above said observations, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.07.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
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To

The District Registrar Chits, Perambalur.



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P.DHANABAL, J.,

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