



C.R.P. (MD) Nos. 861 & 864 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **03.04.2024**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.R.P. (MD) Nos. 861 & 864 of 2024
and
C.M.P. (MD) Nos. 4789 & 4799 of 2024

1.M/s.J.L.Properties,
Tiruchirappalli,
Represented by its Managing Partner,
S.Thiruvalan.

2.Thiruvalan

3.T.Vishnuvaradhan ... Petitioners in both petitions

Vs.

P.Arjuna ... Respondent in both petitions

COMMON PRAYER: Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders passed in I.A. Nos. 08 & 09 of 2023 in O.S No. 183 of 2021 on the file of the Principal District Judge, Karur dated 21.12.2023 by allowing this civil revision petitions.

For Petitioners : Mr. M.Mohamed Sherbudeen
(in both petitions)



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COMMON ORDER

These Civil Revision Petitions filed under Article 227 of the Constitution arise out of the orders dated 21.12.2023 passed in I.A. Nos 08 & 09 of 2023 in O.S No. 183 of 2021 by the Principal District Judge, Karur (hereinafter referred to as the 'Trial Court' for short). The parties are hereinafter referred to as by the description in the suit in O.S No. 183 of 2021 before the Trial Court for the sake of clarity and convenience.

2. The Defendants have filed the application in I.A. No. 08 of 2023 to produce the documents from the Income Tax Department, Circle -2 Office, Coimbatore, in which the following order has been passed:-

“Steps filed and rejected. Hence the petition is closed.”

In another application in I.A. No.9 of 2023 has been filed by the Defendants seeking to issue a proclamation as to why the Income Tax Department official why has not appeared in the Court and submitted the documents as per the order issued in the petition should not be jailed, following order has been passed:-



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“Heard. Perused. The petition is filed without mention by the name / designation of the notice. Hence the petition is rejected.”

3. Heard Mr. M.Mohamed Sherifudeen, Learned Counsel for the Defendants and perused the materials placed on record apart from the pleadings of the parties.

4. On a perusal of the impugned orders, it is evident that the Defendants have not been afforded any opportunity to mention the name and designation of the Income Tax Department official, before rejecting the applications. Learned Counsel for the Defendants undertakes that such details would be furnished to the Trial Court before the next date of hearing of the suit.

5. In the aforesaid circumstances, this Court without expressing any views on merits of the controversy involved, sets aside the orders dated 21.12.2023 in I.A. Nos. 8 and 9 of 2023 in O.S. No. 183 of 2021 on the file of the Principal District Judge, Karur and restores those applications



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to the file of the Trial Court for the appearance of the parties on 05.06.2024. In the event of Defendants failing to carry out the aforesaid undertaking made before this Court, the Trial Court is not precluded from passing appropriate orders in the matter on merits and in accordance with law, uninhibited and uninfluenced by the earlier orders passed in this case.

In the result, the Civil Revision Petitions are disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

03.04.2024

Index : Yes/No
NCC : Yes/No
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Note: Issue order copy on 19.04.2024.



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TO:-
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1.The Principal District Judge, Karur.



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P.D.AUDIKESAVALU,J.

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