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CRP NPD.Nos.168 & 170 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD Nos.168 & 170 of 2025 &

CMP.Nos.745 &750 of 2025

M/s.Pavan Developers,
rep. by its Partner Mrs.M.Sumitha
Office at No.91 & 92, Kodambakkam High Road,
2nd Floor, Nungambakkam, Chennai – 600 034. ... Petitioner in both CRPs.

Versus

1. M.V.Salai Abarnam
2. B.Anubhama ... Respondents in both CRPs

PRAYER : Petitions filed under Article 227 of Constitution of India to direct the learned Principal District Judge at Chengalpet to dispose the E.A.Nos.06 of 2024 and E.A.No.7 of 2024 in E.P.No.85 of 2018 within the time frame fixed by this Court.

For petitioner : Mr.Sharath Chandran
for Mr.D.R.Ragunath [in both CRPs]



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COMMON ORDER

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These Civil Revision Petitions have been filed seeking a direction to the learned Principal District Judge to dispose of the applications filed in E.A.Nos.6 and 7 of 2024 in Execution Petition in E.P.No.85 of 2018 in Arb.O.P.No.82 of 2008 on the file of the Principal District Court, Chengalpet.

2. Mr.Sharath Chandran, learned counsel appearing for the petitioner would submit that the first respondent has obtained an arbitral award as against the second respondent. Since the second respondent was a partner of the partnership firm, the properties of the partnership firm were sought to be attached and brought for sale in the Execution Petition. In this regard the firm has filed an application under Order XXI Rule 58 to raise the attachment mainly on the ground that the property of the partnership firm cannot be attached unless the decree is against the firm as per Order 21 Rule 49. At the most if the decree is against any of the partners, only his interest alone can be sought for attachment while attaching the property or sale of the property. He further submitted that the matter has been heard by the learned District Judge



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as early as on 07.08.2024 and the matter has been adjourned till today for perusal of records and no Order has been passed in the applications.

3. Considering the nature of submissions and the question of law raised, the learned Principal District Judge, Chengalpet is directed to dispose of the applications in E.A.Nos.6 of 2024 and 7 of 2024 in E.P.No.85 of 2018 within a period of one month from the date of receipt of a copy of this Order, strictly taking note of the procedure set out under Order XXI Rule 4 and dispose of the applications without any further delay. This direction has been given taking note of the fact that after hearing the matter, the applications are adjourned for 14 hearings.

5. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet: Yes
Speaking/non speaking order

vrc

To,

The Principal District Judge,
Chengalpet.



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N. SATHISH KUMAR, J.

vrc

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