
M/S MPM Group Vs R.D.Illuminations

Original Petition (C) No. 339 Of 2023

Court: High Court Of Kerala

Date of Decision: Feb. 9, 2023

Acts Referred:

Code of the Civil Procedure, 1908 " Order 39 Rule 3A

Hon'ble Judges: C.S.Dias, J

Bench: Single Bench

Advocate: Thushara James, Muhammed Siyad, S.Sujin, Sabitha, Philip T Varghese

Final Decision: Disposed Of

Judgement

C.S.Dias, J

1. The original petition is filed to direct the Court of the Commercial Judge, Ernakulam, to consider and dispose of IA No.3/2022 in CS No.274/2022,

on or before 9.2.2023.

2. Pursuant to the order passed by this Court today, the learned Judge of the Commercial Court has informed this Court that, IA No.3/2022 is posted

to 15.2.2023. Similarly, IA No.10/2022 has been filed to advance the hearing in IA No.3/2022. However, as there is a defect in the application, the

application is posted to this afternoon. The court below would consider and dispose of IA No.3/2022 in CS No.274/2022 within three days after

service of notice is complete on the respondents.

3. Heard; Smt.Thushara James, the learned counsel appearing for the petitioners, Sri.Mohammed Siyad, the learned counsel appearing for the

respondents 1 and 2, Sri.S.Sujin, the learned counsel appearing for the tenth respondent, Sri.Philip T Varghese, the learned counsel appearing for the

eleventh respondent and Smt.B Sabitha, the learned counsel appearing for the thirteenth respondent. In view of the limited relief that I propose to pass,

I dispense with notice to other respondents.

On an analysis of the pleadings and materials on record, and taking note of the fact that Ext P4 application is filed under Order 39 of the Code of the

Civil Procedure (in short, "Code") and in view of the mandate under Order 39 Rule 3A of the Code, I direct the Commercial Court, Ernakulam,

to consider and dispose of Ext P4 application, in accordance with law, as expeditiously as possible, at any rate, within a period of two weeks from the

date all the respondents enter appearance before the court below, after affording all sides an opportunity of being heard.

The original petition is ordered accordingly.