

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No. 441 of 2015

And

M.P.No. 1 of 2015

1. Mr.S.Pakkri
2. Mrs.V.Nirmala
3. Mrs.S.Viji @ Vijayalakshmi
4. Mrs.M.Nagome ... Petitioners/Respondents/Defendants

Versus

1. K.R.Illangovan
2. I.Leema Roselin ... Respondents/Petitioners/Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 05.08.2014 passed by Hon'ble XIV Assistant Judge City Civil Court at Chennai in I.A.No. 6969 of 2014 in O.S.No. 2368 of 2014.

For Petitioner : Mr. Gigi Pramod

For Respondents : Mr.R.Subramanian

O R D E R

The trial Court called upon the petitioners to furnish security pursuant to the order in I.A.No. 6969 of 2014. The petitioners failed to furnish security and as such, the trial Court passed an order of attachment before Judgment. The petitioners, without challenging the order directing attachment, filed this application, challenging the notice, directing them to furnish security.

2. The learned counsel for the petitioner submitted that on account of certain reasons beyond control, the petitioners could not comply with the demand made in the notice to furnish security and that was the reason for delay.

3. The learned counsel for the respondent on the other hand submitted that the attachment was effected on 13.08.2013 and as such, the revision petition challenging the notice issued by the trial Court is not maintainable. According to the learned counsel, the suit is now posted for cross examination of PW-1 and as such nothing survives for adjudication in the matter.

4. The challenge in this Civil Revision Petition is to the notice in and by which, the petitioners were directed to furnish security. It is a matter of record that thereafter attachment was ordered and it was effected on 13.08.2013. The petitioners, for reasons best known, have not challenged the order directing

attachment. Even otherwise, there is no question of considering the order of attachment now, in view of the fact that the suit is in a part heard stage. I am therefore of the view that there is no merits in the contention taken by the petitioners.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.09.2016

vsg

To

XIV Assistant Judge City Civil Court at Chennai

K.K.SASIDHARAN. J.

vsg

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