

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.976 of 2017
and C.M.P.No.4829 of 2017

K.Periyannan

... Petitioner

Vs.

K.Balamurugan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.1316 of 2016 in O.S.No.1416 of 2016 on the file of the Principal Subordinate Court, Coimbatore.

For Petitioner : Mr.Va Vu Si Vazhakagam

For Respondent : Mr.K.S.Karthik Raja

ORDER

Challenging the order passed in I.A.No.1316 of 2016 in O.S.No.1416 of 2016 on the file of the Principal Subordinate Court, Coimbatore, the defendant has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.1416 of 2016 for recovery of money.

3.In the said suit, the plaintiff took out an application in I.A.No.1316 of 2016 under Order 38 Rule 5 of the Civil Procedure Code to attach the property before

judgment. The trial Court ordered the petition and attached the petition

M. DURAISWAMY,J.
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mentioned property. Aggrieved over the same, the defendant has filed the above Civil Revision Petition.

4.Under Order 43 Rule 1 (q) of the Civil Procedure Code, only an appeal is maintainable as against the order passed under Order 38 rule 6 of the Civil Procedure Code, therefore, the Civil Revision Petition filed by the defendant is not maintainable and it is open to the petitioner/defendant to file an appeal as against the order passed in I.A.No.1316 of 2016. Liberty is given to the petitioner/defendant to file an application under Order 38 of the Civil Procedure Code to raise the order of attachment, if he had complied with the order passed by the trial Court in I.A.No.1316 of 2016.

5.In the result, the Civil Revision Petition is rejected. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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16.03.2017

To

The Principal Subordinate Court,
Coimbatore.

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