

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1418 of 2012
& M.P.No.1 of 2012

K.Ramanujam

.. Petitioner

Vs.

K.Amirthalingam

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.02.2012 made in I.A.No.204 of 2011 (I.A.No.420 of 2011) in O.S.No.209 of 2008 on the file of the Additional District & Sessions Court-cum-Fast Track, No.1, Coimbatore District Judge of Coimbatore.

For Petitioner : Mr.Ma.P.Thangavel

For Respondent : Mr.Mukunth
for M/s.Sarvabhauman Associates

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 15.02.2012 made in I.A.No.204 of 2011 (I.A.No.420 of 2011) in O.S.No.209 of 2008 on the file of the

Additional District & Sessions Court-cum-Fast Track, No.1,
Coimbatore District Judge of Coimbatore.

2. The petitioner is defendant and respondent is plaintiff in O.S.No.209 of 2008 on the file of Additional District & Sessions Court-cum-Fast Track, No.1, Coimbatore. The respondent filed suit for recovery of money on the ground that the petitioner borrowed money and executed promissory note, promising to repay the amount borrowed. He did not repay the principal and interest. Hence the respondent has filed the suit. The petitioner filed written statement and is contesting the suit.

3. The respondent filed I.A.No.204 of 2011 for attachment before judgment of the immovable property belonging to petitioner on the ground that the petitioner is trying to alienate the property with an intention to defeat and delay the interest of respondent in the event of respondent obtaining a decree. The petitioner filed counter and denied various allegations made in the plaint and affidavit. The petitioner denied having borrowed money and execution of promissory note. The respondent in collusion with others created the said promissory note. The respondent has not

made out any case for directing the petitioner to furnish security or for attachment before judgment of the property belonging to the petitioner. The petitioner has stated that there may not be a chance of alienating the property.

4. The learned Judge considering the affidavit, counter affidavit and rival contentions of the counsel for the petitioner and respondent, directed the petitioner to furnish security for a sum of Rs.29,30,000/- on or before 24.02.2012, failing which ordered attachment before judgment.

5. Against the order dated 15.02.2012 made in I.A.No.204 of 2011 (I.A.No.420/2011), the present civil revision petition has been filed by the petitioner.

6. From the materials, it is seen that the suit is of the year 2008 and impugned order is passed in the year 2011. The suit is for recovery of money based on promissory note. In view of the nature of the claim made in suit and since the suit is of the year 2008, without deciding the issue in this revision on merits, the civil revision petition is disposed of, directing the learned District

Judge,

V.M.VELUMANI, J.

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Coimbatore to dispose the suit as expeditiously as possible and in any event, not later than three months from the date of receipt of a copy of this order.

7. In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2017

Index : Yes/No

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To
The Judge
Additional District &
Sessions Court-cum-Fast Track,
No.1, Coimbatore.

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