

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2434 of 2013
& M.P.No.1 of 2013

V.Kandasamy

.. Petitioner

Vs.

R.Chitra

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 07.12.2012 made in I.A.No.184 of 2012 in O.S.No.88 of 2012 on the file of the District Court, Tiruppur.

For Petitioner : Mr.N.Umapathi

For Respondent : No Appearance

ORDER

The Civil Revision Petition is filed against the order dated 07.12.2012 made in I.A.No.184 of 2012 in O.S.No.88 of 2012 on the file of the District Court, Tiruppur.

2. The petitioner is plaintiff and respondent is defendant in O.S.No.88 of 2012. The petitioner filed said suit for recovery of money. Along with the suit, the petitioner filed I.A.No.184 of 2012 under Order 38 Rule 5 of C.P.C. for a direction to the respondent to furnish security to the suit claim, failing which, order attachment of the property mentioned in the schedule to the petition. The respondent on receipt of notice to furnish security, filed security bond executed by her and her two sons in respect of the property valued at Rs.12,00,000/- and also given an undertaking that they will not alienate or otherwise encumber the property and produce the said property or any portion of the property to satisfy the claim of the petitioner.

3. The learned Judge accepting the security bond closed the application.

4. Against the said order dated 07.12.2012 made in I.A.No.184 of 2012, the petitioner has come out with the present Civil Revision Petition.

5. Though notice was served on the respondent and her name has been printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

6. The learned counsel for the petitioner contended that the property furnished by the respondent for security does not belong to her, absolutely, it is the property of her husband. After his death, other legal heirs are also having shares in the said property. Mother-in-law of the respondent also is having share in the said property.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. From the materials available on record, it is seen that the respondent and her two sons furnished immovable property to the value of the suit claim and they have given undertaking that they will not alienate or encumber the said property and produce the said property as and when so directed by the Court. It is not the case of the petitioner that the value of the property will not satisfy the suit claim.

9. For the above reasons, the Civil Revision Petition is dismissed. As the suit is of the year 2012, the learned Judge is directed to dispose the suit in O.S.No.88 of 2012 as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

27.11.2017

Index : Yes/No
dm/kj

To

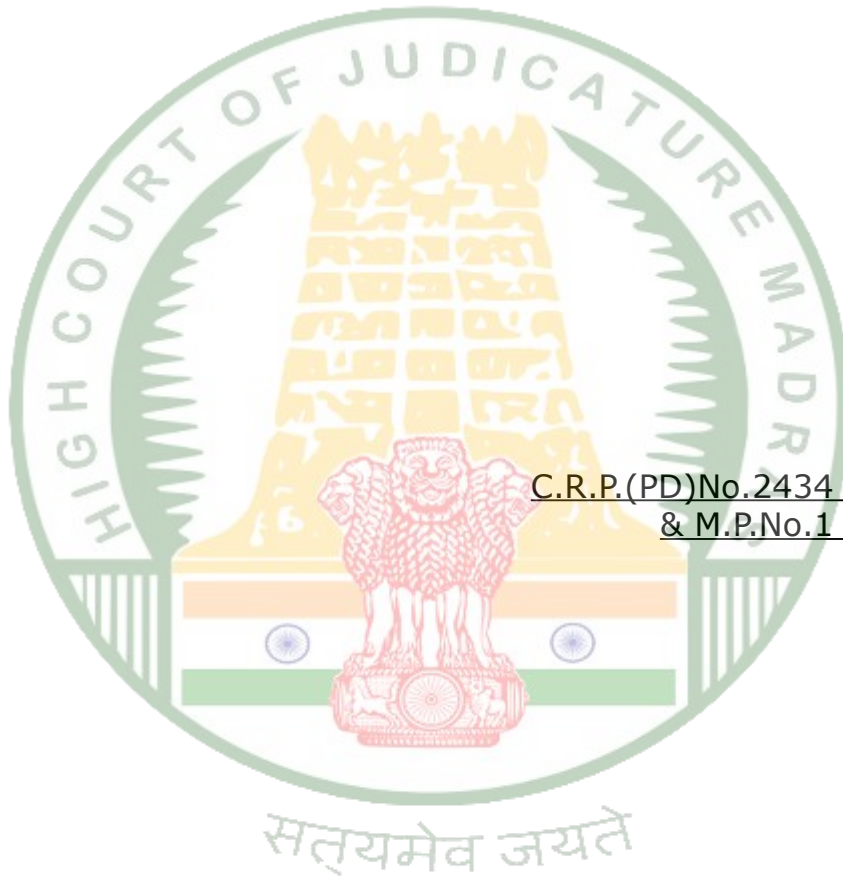
The District Judge, Tiruppur.



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V.M.VELUMANI, J.

dm/kj



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