



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.736 of 2017
and
C.M.P.(MD).No.7952 of 2017

T.Murugan ... Appellant

Vs.

P.Pakirathan ... Respondent

Prayer: Appeal filed under Order 43 Rule 1(Q) of Civil Procedure Code, against the fair and decreetal order dated 18.07.2017 made in I.A.No.46 of 2017 in O.S.No.41 of 2017, on the file of the Additional Sessions Judge, Karur.

For Appellant : Mr.T.Selvam
For Respondent : Mr.K.Hemakarthiskeyan

JUDGMENT

Heard the learned counsel on either side.

2.The defendant has filed this appeal questioning the order of attachment made by the Trial Court. The respondent herein has filed a money claim against the appellant herein. He also filed I.A.No.46 of 2017, for attaching the petition mentioned property. The appellant herein filed an affidavit undertaking that he will not effect any encumbrance over the said property. It appears that the said property has already been mortgaged. No further encumbrance will be made. When the appellant has filed an undertaking affidavit, there is no need to pass an order of attachment. Therefore the order dated 18.07.2017 in I.A.No.46 of 2017, on the file of the Additional Sessions Judge, Karur is set aside.

3.The learned counsel appearing for the respondent would pray that the Trial Court can be directed to expedite the suit proceedings. He states that it is only suit on promissory note. No elaborate trial would be required. Therefore, the Trial Court is directed to dispose of the said suit on or before 30.04.2018. This Civil Miscellaneous Appeal is allowed accordingly.

4.The learned counsel appearing for the appellant would submit that in view of the undertaking already filed by this appellant, the petition mentioned property will not be subjected to any encumbrance till the disposal of the suit. This submission is placed on record.



5.This Civil Miscellaneous Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(C.O)

Sub-Assistant Registrar

To

1.The Additional Sessions Judge, Karur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.T.Selvan, Advocate, SR.No.88054

+One cc to Mr.K.Hemakarthiskeyn, Advocate, SR.No.88101

tsg

RL/5C/2P/KP/SAR4/14/12/2017

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