



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.10.2017

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) .No.378 of 2015
and
M.P. (MD) No.1 of 2015

Sooran ... Appellant/Respondent/Defendant

Vs.

Arumugam ... Respondent/Petitioner/Plaintiff

PRAYER : This Civil Miscellaneous Appeal filed under Order 43, Rule (1) (a) C.P.C., against the Fair and Decreetal Order made in I.A.No.33 of 2014 in O.S.No.3 of 2014 on the file of the Additional District Court, Dindigul, dated 24.02.2014.

For Appellant : Mr.D.Venkatesh
For Respondent : Mr.B.Vinoth Balan

JUDGMENT

The defendant in a money suit has filed this Civil Miscellaneous Appeal, aggrieved by the order of attachment made at the instance of the plaintiff.

2.The plaintiff has laid the said suit on the strength of the pro-notes. The Court below took note of the fact that the defendant had already alienated one of his properties and therefore the remaining items will have to be attached.

3.The order of attachment was passed as early as on 24.02.2014. We are now in October 2017. Therefore, the time of this Court need not be spent in adjudicating on the correctness of the order of attachment. Instead, interest of justice will be served by directing the Trial Court to dispose of the main suit itself within three months from the date of receipt of a copy of this order.

4.The Trial Court is directed to dispose of O.S.No.3 of 2014 on the file of the Additional District Court, Dindigul District on or before 31.01.2018. The order of attachment made vide order dated 24th February 2014 in I.A.No.33 of 2014 in O.S.No.3 of 2014 on the file of the Additional District Court, Dindigul is confirmed.



5. This Civil Miscellaneous Appeal is dismissed with the above direction. No costs. Consequently, M.P.(MD)No. 1 of 2015, is closed.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge,
Dindigul.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 82048
+ 1 CC TO Mr.B.VINOTH BALAN, ADVOCATE IN SR No. 82276

DAS/MRN
TE/KP/SAR-II : 25/10/2017 : 2P/5C

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