

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**CRP(PD).No.1268 of 2018 &  
C.M.P.No.6522 of 2018

Sundarambal .. Petitioner

vs.

Kasiviswanathan .. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 04.01.2018 passed in I.A.No.27 of 2017 in O.S.No.49 of 2017 on the file of Principal Sub Court, Salem.

For Petitioner

... M/s.P.Jagadeesan

**ORDER**

The Civil Revision Petition has been filed by the petitioner in I.A.No.651 of 2017 in O.S.No.49 of 2017 on the file of Principal Sub Court, Salem.

2. The respondent filed the suit for recovery of money in which the the petitioner filed an application in I.A.No.27 of 2017 to direct the respondent to furnish cash security for the suit amount and if the respondent fails to do so, order attachment before judgment of the

immovable property of the respondent mentioned in the plaint and the revision petitioner herein filed a written statement in the main suit.

3. Subsequently, she made an application in I.A.No.651 of 2017 in I.A.No.27 of 2017 to receive the additional counter under Order 8 Rule 1 C.P.C, wherein it is stated that she has filed a memo before the Court for inspecting the suit pro-note dated 01.12.2017. After considering the facts and circumstances, the application in I.A.No.651 of 2017 was dismissed.

4. Aggrieved against that order passed by the trial Court in I.A.No.651 of 2017, this revision petition has been preferred by the petitioner.

5. The learned counsel for the petitioner submits that though the petitioner filed a written statement in the main suit and also counter in I.A.No.27 of 2017 for attachment before judgment, those aspects have been omitted to be mentioned in the counter and hence, the revision petitioner sought for the prayer to file additional counter along with this application.

6. Heard the learned counsel appearing for the petitioner in the admission stage and perused the materials available on record.

7. The learned counsel for the petitioner mainly contended that in respect of the property, already sale agreement was entered into with the third party and therefore, it cannot be attached.

8. The main application is only to furnish the security. After receiving the summons, she has not taken any steps to inspect the suit promissory note and simply she filed the written statement. The scope of the application is very limited and as to whether she is liable to pay the amount or not, will be decided only in the main suit and as to whether she has to furnish security or not alone to be adjudicated in I.A.No.651 of 2017 from the affidavit. Further, the petitioner has filed the petition to receive additional counter affidavit is only an after thought, when the matter was posted for orders she has filed the petition. There is no merit in that application. The reason stated in that affidavit to receive additional counter affidavit is not satisfied. Under the said circumstances, no reason to interfere with the order passed by the trial Court.

**P.VELMURUGAN.J,**  
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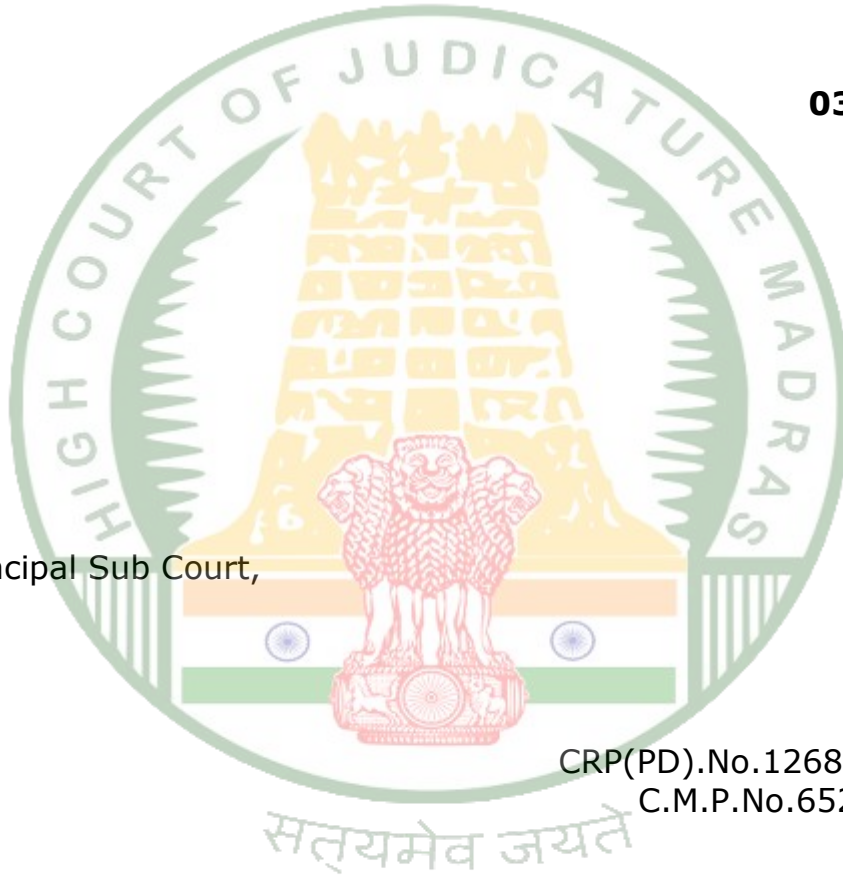
9. Hence, this Civil Revision Petition is dismissed. No costs.  
Consequently connected miscellaneous petition is closed.

**03.04.2018**

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To

The Principal Sub Court,  
Salem.



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