

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (NPD) No.258 of 2018
and
CMP. No.1439 of 2018

Preethi Benedict

.. Petitioner

Vs

1.M.Praveen Kumar
2.S.Subramani

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.07.2014 passed in I.A. No.1667 of 2014 in I.A. No.12366/2012 in O.S.No.5261 of 2012 on the file of XVI Assistant Judge, City Civil Court, Chennai.

For Petitioner

:Mr.V.Bhiman for
Mr.Sampathkumar and
Associates.

ORDER

This Civil Revision Petition is filed against the dismissal order made in I.A. No.1667 of 2014 in I.A. No.12366/2012 in O.S.No.5261 of 2012 on the file of XVI Assistant Judge, City Civil Court, Chennai.

2.The learned counsel for the revision petitioner has filed an I.A. No.1667 of 2014 before the Court below under Order 38 Rule 9 of the Code of Civil Procedure to raise the attachment made in I.A. No.12366 of 2012 in O.S. No.5261 of 2012 on 23.08.2012 over the suit property. The Court below has considered the said application filed by the petitioner and held that it is not maintainable and also held that it is open to the petitioner to array as a party and to agitate her rights in the said proceedings.

3. The learned counsel for the petitioner would submit, subsequently, she has also filed an application before the Court below to implead as a party in the aforesaid proceedings. The said application has been returned by the Court below.

4.Considering the facts and submissions made by the learned counsel for the petitioner, the Court below dismissed the said application by granting liberty to the petitioner. Therefore, there is no warrant to interfere with the order passed by the Court below. It is made clear that the relief of the petitioner can be agitated before the appropriate forum.

5. Accordingly, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed.

No costs.

25.01.2018

Index: Yes/ No
Internet : Yes/No
Speaking Order/Non Speaking Order
RKP

Note: Issue order copy on 29.01.2018.

To:

The XVI Assistant Judge,
City Civil Court,
Chennai.



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D. KRISHNAKUMAR J.,

RKP



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