



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD)(MD)No.468 of 2018

1.A.Robi Mohan
2.F.Jegan

... Petitioners/Plaintiffs

Vs.

1.M.Samraj
2.C.Thangam

... Respondents/Defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 5.2.2018 passed in I.A.No.2 of 2018 in O.S.No.1 of 2018 on the file of District Judge of Kanyakumari at Nagercoil Kanyakumari District.

For Petitioners : Mr.B.Prahalad Ravi
For Respondents : No appearance

O R D E R

This civil revision petition has been filed to set aside the docket order dated 5.2.2018 passed in I.A.No.2 of 2018 in O.S.No.1 of 2018 on the file of District Judge of Kanyakumari at Nagercoil, Kanyakumari District.

2.The petitioners are the plaintiffs and the respondents are the defendants.

3.Heard Mr.B.Prahalad Ravi, learned counsel for the revision petitioners / plaintiffs and there was no representation on behalf of the respondents / defendants.

4.Considering this case, the learned District Judge, Kanyakumari, Nagercoil, by order dated 02.01.2018, directed the respondents / defendants to furnish a security for a sum of Rs.78,00,000/- on or before 05.02.2018. On 05.02.2018, when the matter was taken up for hearing, it is represented by the respondents / defendants that the property mentioned in this petition was already sold. Therefore, the learned District Judge, Kanyakumari, Nagercoil, has dismissed the petition as infructuous. Challenging the said order the present civil revision petition is filed before this Court.

5.The petitioners / plaintiffs filed I.A.No.2 of 2018 before the District Judge, Kanyakumari, Nagercoil for furnishing security for Rs.78,00,000/-, failing which the respondents / defendants were

directed to attach the property. Admittedly, the property mentioned in this revision petition was already sold.

6. Therefore, the learned counsel for the petitioners represented that though the first respondent has borrowed the amount, he purchased the property in the name of the second respondent, who is the mother of the first respondent. Even otherwise, if the property is not sold, then the Court shall consider the case of the petitioners / plaintiffs. But, admittedly, it is represented that the property was already sold, which was confirmed by the plaintiffs.

7. In the above circumstances the property is not at all given by the petitioners / plaintiffs for attachments. This application is unnecessarily filed. Therefore, this Court passes the order as follows:

"The civil revision petition is dismissed by confirming the order passed in I.A.No.2 of 2018 in O.S.No.1 of 2018 dated 05.02.2018, on the file of District Judge of Kanyakumari at Nagercoil, Kanyakumari District and the learned trial Court is directed to dispose the suit within a period of 2 months from the date of receipt of a copy of this order. No costs."

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Judge, Nagercoil, Kanyakumari District.

+1CC to Mr.V.M.Bala Mohan Thampi, Advocate, SR.No. 59743

+1CC to Mr.B.Prahalad Ravi, Advocate, SR.No. 59923

C.R.P. (PD) (MD) No.468 of 2018

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AM/JC/SAR 3/23.04.2018/2P/4C