



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.1463 of 2018 and
CMP(MD).No.6323 of 2018

Thangavel

... Petitioner

Vs.

K. Vijayan

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order passed in I.A.No.983 of 2017 in O.S.No.833 of 2017, dated 16.03.2018 on the file of the Principal Sub Court, Karur and set aside the same.

For Petitioner

... Mr.D. R. Murugesan

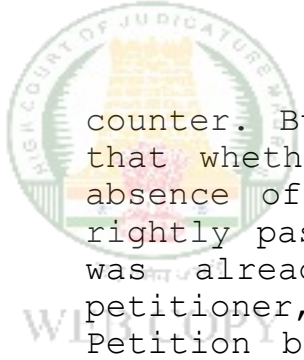
ORDER

The petitioner has filed the present Civil Revision Petition to call for the records relating to the fair and decreetal order passed in I.A.No.983 of 2017 in O.S.No.833 of 2017, dated 16.03.2018, on the file of the Principal Sub Court, Karur and set aside same.

2. The respondent, who is the plaintiff in a suit in O.S.No.833 of 2017, has filed an application in I.A.No.983 of 2017, under Order 38 Rule 5 and Section 151 CPC against the revision petitioner / defendant, for attachment before Judgment. The learned Judge has originally passed an order directing the petitioner to furnish a security for the suit claim amount of Rs.6,33,500/-, failing which, attachment will be issued. The petitioner has not furnished any security and therefore, attachment before Judgment was passed. Challenging the said order, the petitioner has filed the present Civil Revision Petition.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record. Without giving notice to the respondents, this Court is inclined to dispose of this Civil Revision Petition.

4. On perusal of the records, it is seen that the petitioner has appeared before the Trial Court and also he filed his



counter. But, in his counter affidavit, no where he has mentioned that whether he is going to sell the property or not?. In the absence of any averment of the petitioner, the learned Judge has rightly passed an order of attachment. Since the attachment order was already passed and the same was operating against the petitioner, this Court is inclined to dismiss this Civil Revision Petition by confirming the order passed by the learned Principal Subordinate Judge, Karur in I.A.No.983 of 2017 in O.S.No.833 of 2017, dated 16.03.2018.

5. In the result,

(i) This Civil Revision Petition is dismissed.

(ii) Since the suit is only for recovery of money, the trial Court is directed to dispose of the suit in O.S.No.833 of 2017, within a period of one month from the date of receipt of a copy of this order, without giving any adjournment to either parties.

(iii) No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Principal Sub Judge,
Karur.

Copy to:
The Section Officer,
VR. Records Section,
Madurai Bench Of Madras High Court,
Madurai.(2 Copies)

+1CC to Mr.D.R.Murugesan Advocate in Sr.No.73308.

TRP
DS/RSK/SAR-3 ;27.08.2018; 2P/5C

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