



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) No. 2085 of 2018

and

C.M.P. (MD) No. 9231 of 2018

Charles Premkumar

... Revision Petitioner

Vs

Anitha Sathish
Through her Power Agent
Sathish Selvakumar

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 18.06.2018 passed in I.A.No.102 of 2017 in O.S.No.193 of 2016 on the file of the Principal Sub Judge, Tirunelveli.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.D.Venkatesh

ORDER

The respondent herein filed O.S.No.193 of 2016 on the file of the Principal Subordinate Court, Thirunelveli. It is a suit for recovery of money. In the said suit, the respondent filed I.A.No.102 of 2017 for effecting attachment before judgment. The I.A., was allowed. Questioning the same, this Civil Revision Petition has been filed.

2.It is true that as contended by the learned counsel for the respondent, it is an appealable order. Taking note of the facts and circumstances of this case, this Court is of the view that the Civil Revision Petition can be disposed of on merits.

3.Admittedly, the plaintiff is a unsecured creditor. It is a suit for recovery of rental arrears. It is seen that the parties are close relatives. Both are said to be well known dentists. Be that as it may. The property in question is said to be worth more than a crore of rupees. It has been mortgaged for a sum of Rs.53,00,000/- with a bank. Suit claim is for a sum of Rs.1,95,000/-.



4.The counsel for the revision petitioner states that the respondent, in the event of succeeding in the suit, will not have any difficulty in enforcing the decree. He also undertakes that the property in question will not be subjected to any further encumbrance. He also makes a fair statement that he will furnish appropriate security before the Court below. This undertaking is recorded.

5.Therefore, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal Subordinate Judge,
Tirunelveli.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 92757
+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 92845

PNN

TE/SV/SAR-4 : 24/12/2018 : 2P/6C

ORDER MADE IN
C.R.P.(PD)(MD)No.2085 of 2018 and
C.M.P.(MD)No.9231 of 2018
29.10.2018