

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.1897 of 2020

Samidurai

Petitioner

Vs

Ramasamy

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, against the fair and decreetal order, dated 07.01.2020, made in IA.No.5 of 2019 in OS.No.82 of 2012, by the Additional Sub Court, Namakkal.

For Petitioner : Mr.S.Muthukrishnan

ORDER

1. This Civil Revision Petition has been filed, against the fair and decreetal order, dated 07.01.2020, made in IA.No.5 of 2019 in OS.No.82 of 2012, by the Additional Sub Court, Namakkal.
2. This court heard the learned counsel for the Petitioner.
3. The defendant in the suit has filed IA.No.5 of 2019 to raise attachment. OS.No.82 of 2012 was filed by the Respondent herein based on a promissory note. Pending the suit, IA.No.284 of 2012 was filed and there was an order of attachment before judgement. The suit was dismissed on 27.10.2009, as against which, the Plaintiff has preferred AS.No.1 of 2020. In the meanwhile, the Defendant has filed IA.No.5 of 2009 to raise attachment

RMT.TEEKAA RAMAN, J.

Srcm

since the suit was dismissed.

4. The learned counsel for the Petitioner has categorically stated that pending numbering of the present IA.No.5 of 2019, AS.No.1 of 2020 was allowed and the suit was decreed as per the orders of the District Court, Namakkal on 13.9.2020. Consequently, the suit was decreed and hence, nothing survives in this Civil Revision Petition.
5. Since the appeal being allowed and there was a valid decree, it is made clear that the defendant is at liberty to move appropriate application at the appellate stage and in such an event, the same shall be disposed of, on merits and in accordance with law, without being influenced by any of the observations made in this order.
6. With the above observations, this Civil Revision Petition is disposed of. No costs.

15.10.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The Additional Sub Court, Namakkal

CRP(PD)No.1897 of 2020