

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06..02..2020
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4089 of 2019
and
C.M.P.No.757 of 2020

R.Magesh
Prop. GPR Agency,
No.9, Gandhi Road,
Jyothi Nagar,
Arakkonam,
Vellore District.

.... Petitioner

-Versus-

1.M/s.Vel and Co.,
Rep. by its Partners,
C.K.Velu and J.Gajendran
No.91/1, East 2nd Cross Street,
Ganesh Nagar, Arakkonam,
Vellore District.

2.C.K.Velu

3.Gajendran

4.Jai Krishna

5.Mrs.V.Mageswari

6.Mrs.Chegamma

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 27.11.2019 made in I.A.No.1 of 2019 in O.S.No.82 of 2019 by the learned II Additional District Judge, Ranipet, Vellore District.

For Petitioner : Mr.Jeremiah for
M/s Jeremiah Gregory John

For Respondent(s) : Mr.Om Prakash, Senior
Counsel for Mr.M.Venkata
Krishnan for R2

Mrs.R.Poornima for RR 3 and
4

ORDER

This civil revision petition is directed against the order of the learned II Additional District Judge, Ranipet, Vellore District, adjourning the application filed by the petitioner under Order XXXVIII, Rule 5 of CPC and Section 94(B) and Sections 136 and 151 of CPC seeking attachment before judgement.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the petitioner filed a suit for recovery of money and in the suit, he filed an application seeking attachment of the property before judgement. The court below by order dated 25.10.2019, directed the respondents to furnish the security on or before 27.11.2019 and in the event the respondents fails to furnish the security as directed, attachment would be made absolute. But, the respondents did not furnish security on 27.11.2019. However, without ordering attachment, the learned Judge, simply adjourned the case.

4. Earlier, when this matter came up for admission on 11.12.2019, this court ordered interim order of attachment.

5. The learned counsel for the respondents submitted that they have filed counter affidavit and the court below may be directed to dispose of the application on merits after hearing both parties.

6. Considering the facts and circumstances of the case and the submission made on either side, without going into the merits of the case, this court is inclined to dispose of the revision petition as follows:- The learned II Additional District Judge, Ranipet, Vellore District, is directed to dispose of the application in I.A.No.1 of 2019 in O.S.No.82 of 2019 on merits and in accordance with law after hearing both

parties within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the interim order of attachment passed by this court on 11.12.2019 made in this revision petition shall continue till the disposal of the application for attachment. This civil revision petition is disposed of accordingly with the above directions. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The II Additional District Judge, Ranipet, Vellore District.

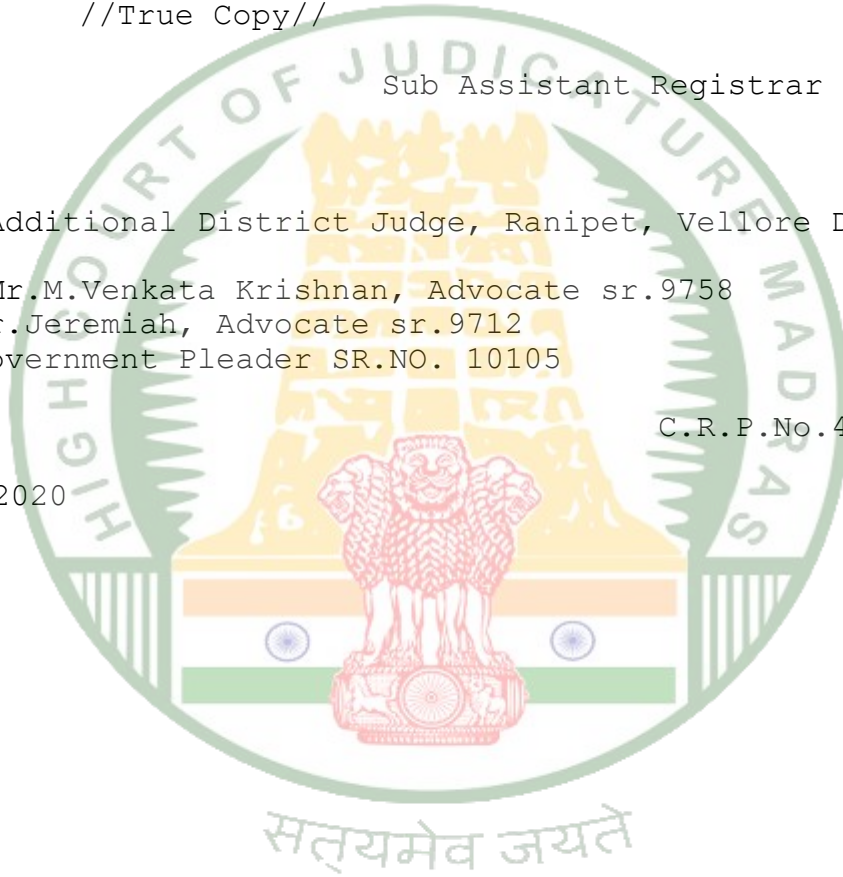
+1cc to Mr.M.Venkata Krishnan, Advocate sr.9758

+1cc to Mr.Jeremiah, Advocate sr.9712

+1cc to Government Pleader SR.NO. 10105

C.R.P.No.4089 of 2019

nr 10/02/2020



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