

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.PDs 4182 & 4185 of 2019
and
C.M.P.s 27212 & 27219 of 2019

K.Kuppusamy ... Petitioner in
C.R.P. PD 4182/2019

K.Subbegounder ... Petitioner in
C.R.P. PD 4185/2019

Versus

P.Nachimuthu ... Respondent in
both C.R.P.s

PRAYER in C.R.P.PD 4182 of 2019 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Fair and decreetal order dated 21.11.2019 made in I.A. 187 of 2017 in O.S. 228 of 2017 on the file of III Addl. District and Sessions Judge, Dharapuram, Thiruppur District.

PRAYER in C.R.P.PD 4185 of 2019 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Fair and decreetal order dated 21.11.2019 made in I.A. 188 of 2017 in O.S. 229 of 2017 on the file of III Addl. District and Sessions Judge, Dharapuram, Thiruppur District.

For Petitioners in
both C.R.P.s : Mr.A.K.Sridharan

For Respondent in
both C.R.P.s : Mr.M.Guruprasad

ORDER

These Civil Revision Petitions have been filed against the order passed in the application filed under Order 38 Rule 5 of C.P.C.

2. The petitioners are plaintiffs in the suit. They have filed separate suits for recovery of money on the basis of pronotes. Pending Suits, they have filed the application under Order 38

Rule 5 of C.P.C. to attach the petitions mentioned property. The above applications have been filed on the ground that, the petitioners came to know through a real estate broker that, he is taking steps to alienate the suit schedule property, and with that apprehension, the above applications have been filed. The respondent/defendant filed a counter affidavit stoutly denying the averments stating that, he is not taking any steps to alienate the suit schedule property, and there is no necessity for him to alienate the same. However, the Trial Court directed the respondent to furnish security, and he has also furnished the security. Not being satisfied with the same, the petitioner has filed this Civil Revision Petition.

3. Mr. A.K.Sridharan, learned counsel appearing for petitioners would contend that, the respondent did not furnish sufficient security, and he has not even produced title deeds before the court, but the respondent has only filed an affidavit along with security. Based on that, the learned Judge has closed the application.

4. Per contra, Mr.M.Guruprasad, learned counsel appearing for respondent would submit, that even though the respondent could not produce petition mentioned property as security, he has furnished the document relating to some other property worth of 15 times more than the value of suit.

5. I have considered the rival submissions made by learned counsel appearing for petitioners as well as learned counsel appearing for respondent and perused the records carefully.

6. On perusal of the order passed by the Court below, it could be seen that, the court below has considered the security filed by the respondent, which is more than the value of suit schedule property. Being satisfied with the same, the court below has allowed the applications. I have also carefully gone through the records, I find no illegality or irregularity in the orders passed by the court below, and I find no merit in these Civil Revision Petitions. Accordingly, the present Civil Revision Petitions are dismissed. However, considering the fact that, the suits are pending from the year 2017, and the pleadings are also completed, the Trial Court is directed to proceed with the trial,

and dispose the same within a period of six months from the date of receipt of the copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

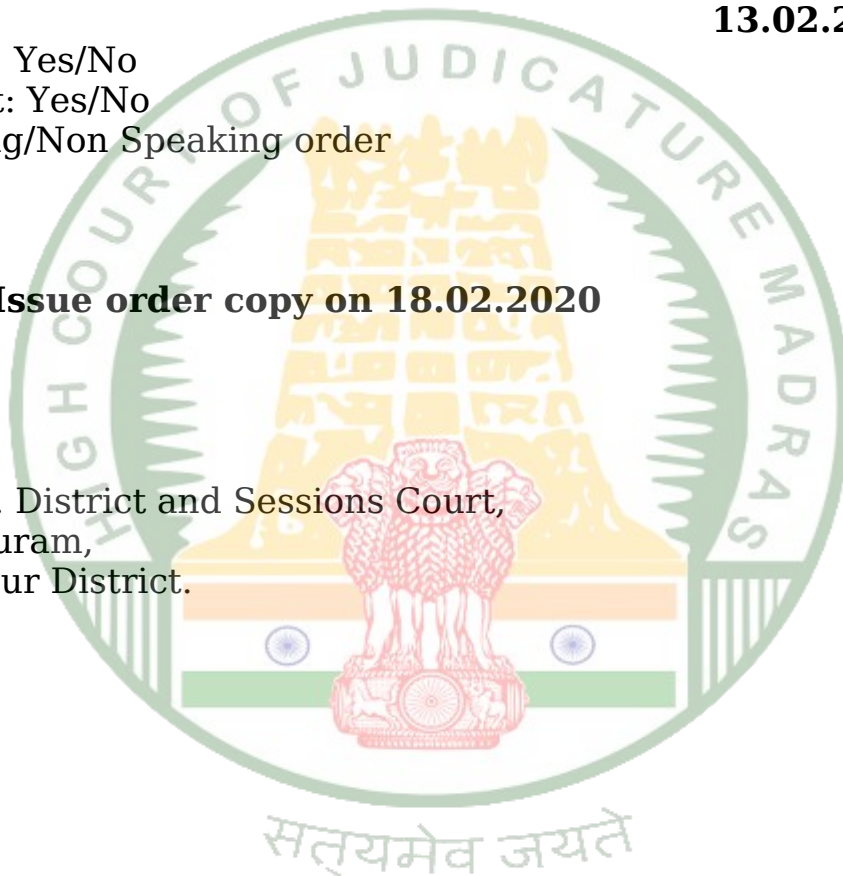
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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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Note : Issue order copy on 18.02.2020

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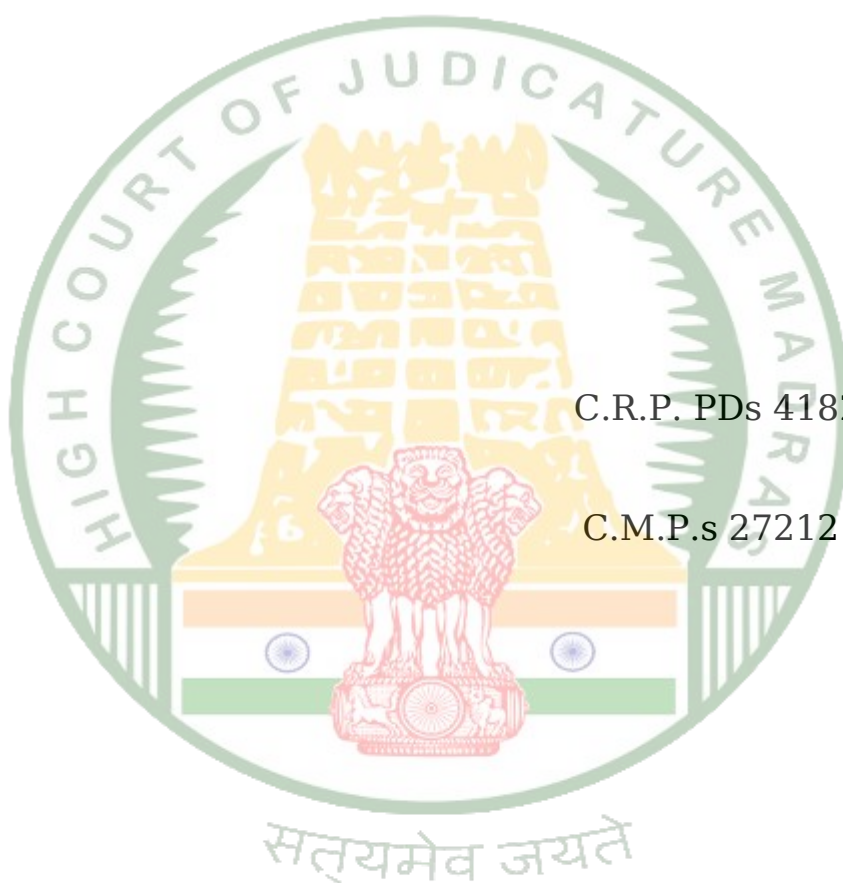
III Addl. District and Sessions Court,
Dharapuram,
Thiruppur District.



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V.BHARATHIDASAN,J.

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