

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 3623 of 2018

and

C.M.P.No. 20222 of 2018

S.Rajeshwari

...Petitioner

Vs.

R.Laxshmi

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decreetal order dated 18.12.2017 made in I.A.No. 732 of 2017 in O.S.No. 269 of 2017 on the file of the Hon'ble Principal Sub-Ordinate Judge, Tiruppur.

For Petitioner : Mr.R.Selvakumar

For Respondent : No appearance

ORDER

Challenge is to an order of attachment before judgment made under Order 38 Rule 5 of C.P.C.

2. A perusal of Order 43 Rule 1 (q) of C.P.C., shows that the Order under 38 Rule 5 is an appealable order and not a revisable order. Therefore, this revision petition is clearly not maintainable.

3. Considering the fact that this revision has been filed within 30 days from the date of which the copy of the order was made ready and furnished to the petitioner and the fact that the Civil Revision Petition has been entertained, the petitioner is granted time to file Civil Miscellaneous Appeal before the District Court till 31.01.2021. If the appeal is filed before 31.01.2021, the Appellate Court namely, the Principal District Court, Tiruppur is directed to entertain the appeal without insisting upon an application for condonation of delay and proceed to dispose the same on merits in accordance with law. Therefore, this civil revision petition is dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. No costs.

4. Registry is directed to return the certified copies of the orders of the Court below filed in this revision to the counsel for the petitioner forthwith.

09.12.2020

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Note: Issue on 10.12.2020.

To:

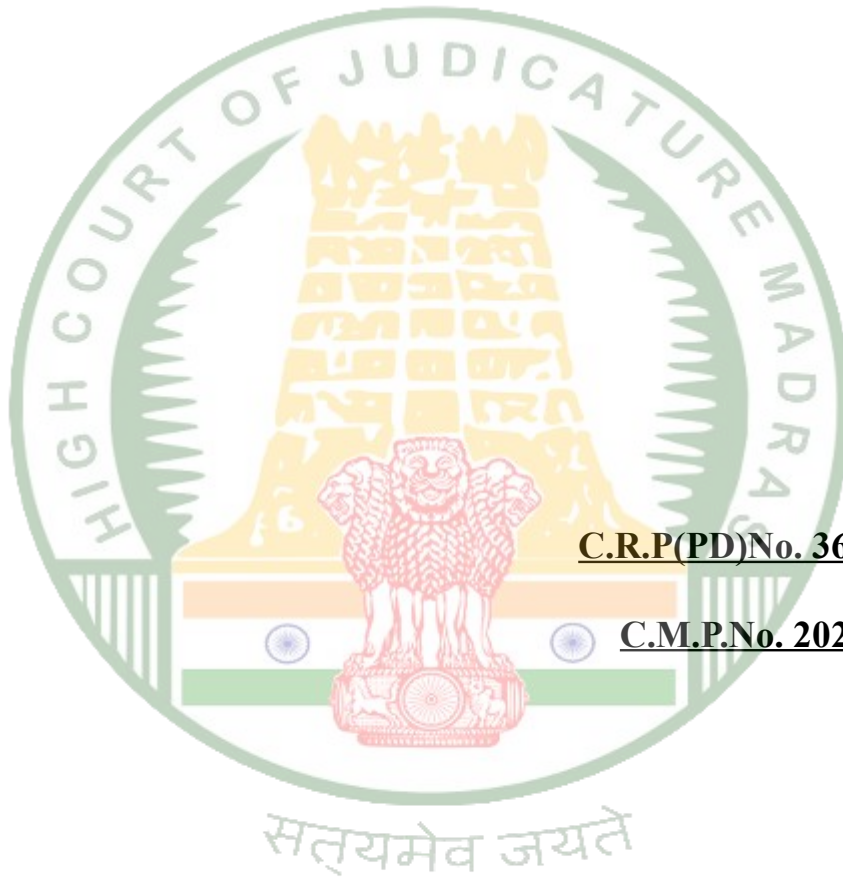
The Principal Sub-Ordinate Judge,
Tiruppur.



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R.SUBRAMANIAN, J.

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