



C.R.P.Nos.1477 and 1480 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.1477 and 1480 of 2019
and CMP.Nos.9676 and 9683 of 2019

CRP.No.1477 of 2019

Janakiraman

... Petitioner

Versus

T.Prabavathy

... Respondent

PRAYER: Civil Revision Petition filed under Order 227 of the Constitution of India, praying to set aside the order and petition order dated 06.02.2019 in I.A.No.472 of 2018 in I.A.No.400 of 2018 in O.S.NO.164 of 2018, on the file of the Subordinate Judge, Neyveli.

For Petitioner : M/s.A.L.Gandhimathi

For Respondent : Mr.K.Vignesh
for Mr.C.S.Saravanan



C.R.P.Nos.1477 and 1480 of 2019

CRP.No.1480 of 2019

WEB COPY

Janakiraman

... Petitioner

Versus

Aboorvam

... Respondent

PRAYER: Civil Revision Petition filed under Order 227 of the Constitution of India, praying to set aside the order and petition order dated 06.02.2019 in I.A.No.469 of 2018 in I.A.No.374 of 2018 in O.S.NO.97 of 2018, on the file of the Subordinate Judge, Neyveli.

For Petitioner : M/s.A.L.Gandhimathi

For Respondent : Mr.K.Vignesh
for Mr.C.S.Saravanan

COMMON ORDER

(This case has been heard through Video Conference)

The revision petitioner herein is the defendant in the suit in O.S.Nos.97 and 164 of 2018 filed by the respective respondent/plaintiff for recovery of money. He was not able to appear before the Court and he remained ex-parte.



C.R.P.Nos.1477 and 1480 of 2019

2.In both suits, the plaintiff filed I.A.No.374 of 2018 and I.A.No.400 of 2018, to attach the retirement benefits of the defendant as a security for the suit claim. In the said applications also, the defendant remained ex-parte and the trial Court ordered to attach the enhancement of the leave salary alone at Rs.3,81,200/- on 30.10.2018. Originally the case was posted on 31.10.2018. The defendant came to know about the said order immediately within one month, he filed an application to set aside the ex-parte order of attachment in I.A.Nos.469 and 472 of 2018. Both the applications were contested by the plaintiff. On hearing both sides, the trial Judge dismissed the said petition, concluding that in order to drag on the proceedings, the defendant filed this application. Aggrieved by that he preferred these revisions.

3.At the time of the arguments, the learned counsel for the revision petitioner would submit that after giving voluntary retirement, he was harassed by the plaintiff who attached his retirement benefits for which they are entitled. Furthermore, he is having valid defence to defend the case before the trial Court. Further, he assured that he would Co-operate with the



C.R.P.Nos.1477 and 1480 of 2019

proceedings and even ready to give security by submitting his immovable properties. Hence, he prayed for a chance to contest the case. The suit is of the year 2018 and now the defendant retired from service by voluntary retirement. He is ready to give immovable property as the security.

4.Considering those submissions, this Court is inclined to set aside the ex-parte order passed in both I.A.Nos.374 and 400 of 2018. Accordingly, the order passed in I.A.Nos.374 and 400 of 2018 are set aside. The Trial Court is directed to dispose the applications on merits and also directed to dispose the suits within a period of three months from the date of receipt of a copy of this order.

5.Accordingly, these Civil Revision Petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

01.11.2021

Internet : Yes / No

Index : Yes / No

ub



C.R.P.Nos.1477 and 1480 of 2019

WEB COPY To

1.The Subordinate Judge,
Neyveli.



WEB COPY



C.R.P.Nos.1477 and 1480 of 2019

T.V.THAMILSELVI, J.

ub

C.R.P.Nos.1477 and 1480 of 2019

01.11.2021