



C.R.P. (PD) No. 1201 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.12.2021**

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

C.R.P. (PD) No.1201 of 2019
and C.M.P. No.7744 of 2019

Karthick Kumar

...Petitioner

Versus

Ramesh

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 11.12.2018 made in I.A. No.246 of 2018 in O.S. No.50 of 2018 on the file of Sessions (Fast Track Mahila) Judge at Namakkal.

For Petitioner : Mr. T.L.Thirumalaisamy

For Respondent : Mr. R.Neelakandan

ORDER

This Civil Revision Petitioner is filed by the plaintiff in O.S. No.50 of 2018 as against the order passed by the learned Sessions (Fast Track Mahila) Judge, Namakkal, in I.A. No.246 of 2018.



2. The revision petitioner filed a suit in O.S. No.50 of 2018 before the Sessions (Fast Track Mahila), Court, Namakkal, for recovery of sum of Rs.10,00,000/- along with interest and cost. During pendency of the suit, the plaintiff filed an application to furnish security or to attach the property before judgment in case the defendant failed to furnish sufficient security. The said application was contested by the defendant. The lower Court has observed that there is no proper plea that the respondent was trying to alienate the property. However, the trial Court dismissed the application mainly on the ground that the petitioner did not state whether the respondent has any other property. Aggrieved by the order of the trial Court, the above Civil Revision Petition is preferred.

3. The order of the trial Court is patently irregular. The petitioner who is the plaintiff in the suit has given particulars about the property which is sought to be attached before judgment. During pendency of the Civil Revision Petition, this Court observed that the revision petition can be closed if an affidavit of understanding is given by the respondent that the respondent will not alienate the property which is mentioned in the petition filed for attachment. Accordingly, the counsel for the respondent produced before this Court an Affidavit of Undertaking signed by the respondent on 15.12.2021. The



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substance of the affidavit of undertaking is recorded.

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4. Since the petitioner is now given an undertaking to preserve the security, this Court is inclined to close this civil revision petition with an observation that the undertaking given by the respondent will be in force till the suit is disposed of one way or the other. Since the suit is for recovery of money and it was laid three years back, learned counsel appear for the revision petitioner states that a direction to the lower Court for early disposal of the suit will be appropriate. Considering the fact that the suit is for recovery of money, this Court directs the Sessions (Fast Track Mahila) Judge, Namakkal, to dispose of the suit as early as possible, preferably within a period of four months from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is closed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

22.12.2021

Index: Yes/ No

Speaking Order / Non-Speaking Order

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S.S.SUNDAR, J .,

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Copy to:

The Sessions (Fast Track Mahila) Judge, Namakkal.

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