

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2783 of 2017

G.Rajendran

..Petitioner

Vs.

R.Mahalakshmi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed in IA.No.29 of 2016 in OS.No.21 of 2016 on the file of the II Additional District Judge, Salem dated 31.01.2017.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : No Appearance

ORDER

This civil revision petition is filed as against the order passed in IA.No.29 of 2016 in OS.No.21 of 2016 on the file of the II Additional District Judge, Salem dated 31.01.2017, thereby dismissing the petition to order attachment of immovable property belong to the respondent before judgment.

2. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed suit for recovery of money. Along with the suit, the petitioner filed petition to order attachment of immovable property before judgment. The case of the respondent is that she never executed any pronote dated 01.07.2014 and she never borrowed any amount as alleged in the plaint. She also stated she never issued any cheque towards discharge of the said liability. The subject property was purchased by her only by bank loan and in fact the bank loan is yet to be settled by her. Therefore, the respondent is taking steps to alienate the same to settle the loan amount. The petitioner filed suit based on the pronote alleged to have been executed by the respondent on 01.07.2014. She also issued cheque for a sum of Rs.5,00,000/- and the same was presented for collection and returned unpaid.

3. On perusal of the plaint revealed that there is no specific allegation as to by which mode, to whom, the respondent is making arrangements to alienate the petition mentioned property. Therefore, merely making a bald allegation that the petitioner is given to understand that the respondent is going to sell the property is not sufficient and there must be a specific averment or allegation to

substantiate his claim. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. No order as to costs.

29.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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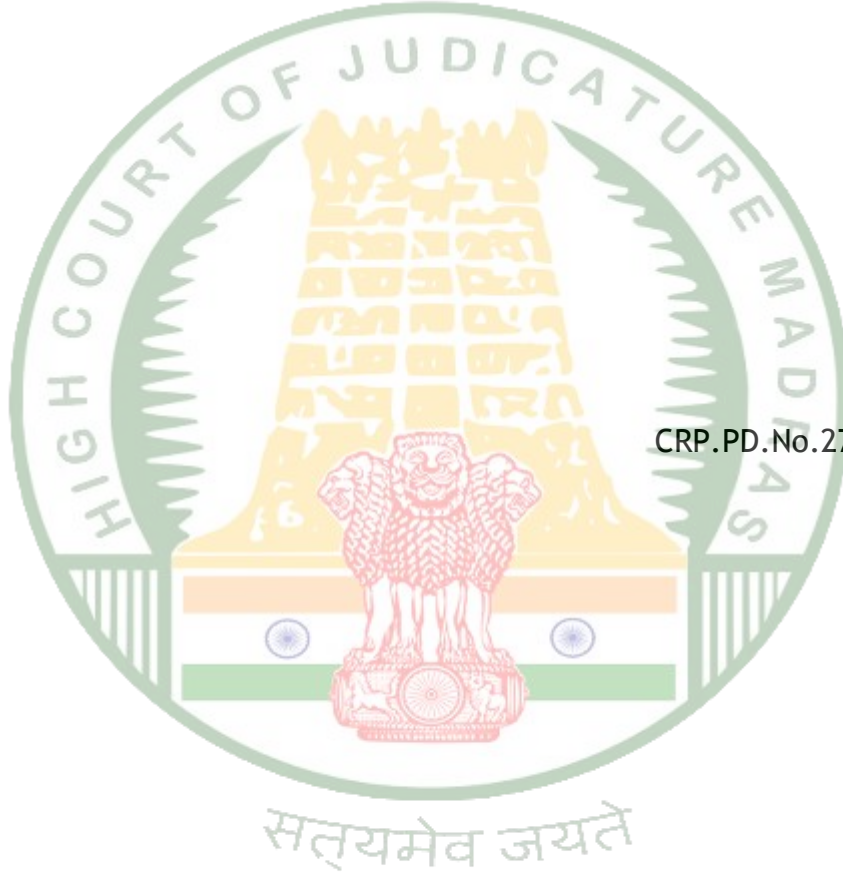
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G.K.ILANTHIRAIYAN,J.

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To

The II Additional District Judge,
Salem



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