



WEB COPY



CRP No.4349 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

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

CRP.No.4349 of 2013  
and M.P.No.1 of 2013

Kannan Prem Kumar

..Petitioner

Vs.

1.Rejendrakumar & Sons. H.U.F.,  
Rep. by its Manager and Kartha  
Rajendrakumar,  
No.425, Main Street,  
Chennai – 79.

2.R.Sundarajan,  
carrying on business  
Under the name and style of 'Gokul Agencies'

3.M/s.Sindhu Agencies (p) Limited,  
Rep. by its Director S.Uma

4.S.Uma

..Respondents

**Prayer:** Civil Revision Petition filed under Section 115 of CPC, to call for the records relating to the order of the II Assistant City Civil Court, Chennai made in I.A.No.5301 of 2012 in O.S.No.9085 of 2009 dated 12.07.2013 and set aside the same.

For Petitioner : Mr.S.Karthikeyan

For Respondents



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For R1 : Mr.T.Skandakumar

For R2 : No appearance

### **ORDER**

This civil revision petition is directed as against the fair and decreetal order dated 12.07.2013 passed in I.A.No.5301 of 2012 in O.S.No.9085 of 2009 on the file of the II Assistant City Civil Court, Chennai, thereby dismissing the petition filed to raise the order of attachment dated 5.10.2009 passed in I.A.No.17395 of 2009 in O.S.No.9085 of 2009 on the file of the II Assistant City Civil Court, Chennai.

2. The petitioner is the third party. The first respondent filed a suit as against the respondents 2 to 4 for recovery of money. Along with the said suit, the first respondent filed an application to attach before judgment property owned by the petitioner on the ground that he purchased the property even before attachment made by the trial Court from the first respondent. The said application was dismissed. Aggrieved by the same, the present civil revision petition.

3. Pending civil revision petition, the petitioner had settled the entire amount pursuant to the decree passed in O.S.No.9085 of 2009. Further, the



petitioner not only settled the amount pursuant to the decree passed in O.S.No.9085 of 2009, he also settled amounts in respect of other suits which were filed for recovery of money as against the second respondent herein by the first respondent in O.S.No.6110 of 2009, O.S.No.6108 of 2009 and O.S.No.6113 of 2009 on the file of the VII Assistant City Civil Court, Chennai, and O.S.No.9076 of 2009 on the file of the I Assistant City Civil Court Chennai and O.S.No.9085 of 2009 on the file of the II Assistant City Civil Court, Chennai.

4. The learned counsel for the first respondent also endorsed that he has no objection to raise the attachment in respect of the property which was purchased by the petitioner from the second respondent.

5. In view of the above, the attachment made in I.A.No.12200 of 2009 in O.S.No.6110 of 2009 on the file of the VII Assistant City Civil Court, Chennai, I.A.No.12198 of 2009 in O.S.No.6108 of 2009 on the file of the VII Assistant City Civil Court, Chennai, I.A.No.12203 of 2009 in O.S.No.6113 of 2009 on the file of the VII Assistant City Civil Court, Chennai, I.A.No.17382 of 2009 in O.S.No.9076 of 2009 on the file of the I Assistant City Civil Court, Chennai, and I.A.No.17395 of 2009 in O.S.No.9085 of 2009 on the file of the II Assistant City Civil Court, Chennai, are hereby raised.



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6. In fine, the civil revision petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

07.12.2022

Speaking/Non-speaking order

Index : Yes/No

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To

- 1.The I Assistant City Civil Court,  
Chennai.
- 2.The II Assistant City Civil Court,  
Chennai.
- 3.The VII Assistant City Civil Court,  
Chennai.



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**G.K.ILANTHIRAIYAN.J.**

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