



WEB COPY



CRP(PD)No.1177 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.1177 of 2022
and C.M.P.No.6249 of 2022

1.G.Sasikala
2.G.Shoba

... Petitioners

Vs.

1.Nilavarasan,
2.Dr.G.Chitraimalli,
3.Selva Elavarasan,

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 28.02.2022 passed in I.A.No.1 of 2021 in O.S.No.65 of 2017 by the XVI Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.L.Dhamodharan

For Respondents : Mr.S.Veeraraghavan for R1
Caveator



ORDER

The plaintiff in O.S.No.65 of 2017, has moved the trial Court with an application in I.A.No.1 of 2021 for return of original of Ex.A1, under Order XIII Rule 9 C.P.C. This was allowed by the trial Court and it is now under challenge before this Court by the defendants.

2. Learned counsel for the defendants submitted that the plaintiff has indicated even in his affidavit filed in support of I.A.No.1 of 2021 that he might create a security out of Ex.A1 and apprehends that plaintiff may deal with the property covered under Ex.A1 *pendente lite* and, if it is so done, it would only add complication to the case, otherwise a straight forward litigation.

3. In response, the learned counsel for the respondent / plaintiff made a statement on instructions, that the plaintiff undertakes not to create any encumbrance vis-a-vis the property covered under Ex.A1, and has also filed an affidavit stating the same. The said affidavit is recorded and it will be read as part of this order.



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4. In view of the affidavit filed by the learned counsel for the respondent, an apprehension of the revision petitioner is largely answered. In this circumstances, this Court deems it appropriate not to interfere with the order of the trial Court.

5. The Civil Revision Petition stands disposed of accordingly at the admission stage itself. Consequently, the connected C.M.P.No.6249 of 2022 is closed. No costs.

21.04.2022

Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order

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To

The XVI Assistant Court,
City Civil Court
Chennai.



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N.SESHASAYEE, J.
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