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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

CRP.(PD)No.1283 of 2022  
and C.M.P.No.6868 of 2022

Arunachalam,  
S/o.Sivasami.

...Petitioner

Vs.

R.Ganesan,  
S/o.Ramachandran

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside fair order and decretal order of the I.A.No.286 of 2020 in O.S.No.146 of 2020.

For Petitioner :Mr.C.B.Vishnudasan

O R D E R

In a suit for money, the plaintiff has taken out I.A.No.286 of 2020 under Order 38 Rule 5 C.P.C. The trial Court has ordered furnishing of security by the defendant and this is now in challenge. Since the Court has ordered only furnishing of security, the defendant can still show cause to the notice and hence this C.R.P. is one feet early.

2.While this Court does not find any merit in the C.R.P. to interfere, yet it does find that the trial Court ought to hear the defendants on the show cause notice, as to why he should furnish security.

3.Accordingly, this Court directs the revision petitioner to offer to show cause on the notice served on him and the trial Court is directed to hear him on the same.



4. With the above direction, the Civil Revision Petition is disposed of at the admission stage itself. Consequently, the connected C.M.P.No.6868 of 2020 is closed. No cost.

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s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

kas/dk

To.

The Sub-ordinate Judge,  
Chidambaram.

+1 CC to Mr.C.B.Vishnudasan, Advocate sr 28225.

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AJB (CO)  
SP(13/05/2022)