



WEB COPY



CRP No.2465 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

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

CRP.No.2465 of 2016
in C.M.P.No.12826 of 2016

R.Selvaraj

..Petitioner

Vs.

C.Samuel

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the learned III Additional Judge, City Civil Court, Chennai, in I.A.No.17854 of 2015 in O.S.No.7228 of 2015 dated 22.04.2016.

For Petitioner : Mr.S.Sivagurunathan

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order dated 22.04.2016 in I.A.No.17854 of 2015 in O.S.No.7228 of 2015, on the file of the III Additional City Civil Court, Chennai, thereby dismissing the application filed to furnish security for the suit claim.

2. Heard both side and perused the materials available or record.



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3. The petitioner is the plaintiff, he filed a suit for recovery of money to the tune of Rs.12,36,839/-. While pending the suit, the petitioner filed an application under Order XXXVIII Rule 1 of C.P.C, to furnish security for the suit claim on the ground that he came to understand that the respondent is taking steps to sell away the property and go out of the city and if the defendant succeeds in his attempt, the petitioner will not be in a position to realize his amount in which event the petitioner will be put to severe hardship. However, he failed to produce any evidence to that effect. Though, the petitioner marked Exs.P1 to 14, those documents were not at all connected with the allegation made by the learned counsel for the petitioner in this application. Therefore, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below.

4. In view of the above, the civil revision petition stands dismissed. However, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order, if not already disposed of.

06.12.2022

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



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To
III Additional Judge, City Civil Court,
Chennai

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