



C.R.P.No.3234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3234 of 2022
and C.M.P.No.17152 of 2022

V.Ramalingam

.. Petitioner

Vs.

P.Srinivasan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the impugned order dated 21.07.2022 passed in I.A.No.34 of 2021 in O.S.No.19 of 2021 on the file of the Additional District Judge, (FTC), Arani, Tiruvannamalai District, by allowing the present C.R.P.

For Petitioners : M/s.K.Bijay Sunder

For Respondent : No Appearance

ORDER

The Civil Revision Petition is filed against the order passed by the Court below directing the respondent to furnish security on or before 14.08.2022.

2. The respondent herein filed a suit for recovery of advance amount of Rs.10 lakhs paid by the respondent to revision petitioner under an agreement dated 26.04.2017. Pending suit, the respondent filed an application in I.A.No.34 of 2021



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seeking attachment before the judgment. In the affidavit filed in support of the petition seeking attachment before judgment, the respondent had averred that the petitioner herein had been making attempts to alienate the property described in the schedule to the petition.

3. The revision petitioner filed a counter denying the sale agreement dated 26.04.2017 relied on by the respondent. According to the revision petitioner, he borrowed a sum of Rs.10 lakhs from the respondent and as a security for the repayment of same, the respondent obtained his signature in plenty of blank stamp papers and unfilled pro notes, though the revision petitioner also agreed to discharge the loan amount together with interest.

4. The Court below, on appreciation of pleadings of the parties and perusal of available records, rightly found that the genuineness or otherwise of the sale agreement based on which the main claim was made by the respondent, can be decided only at the time of the final disposal of the suit. The Court below after taking into consideration the averments made by the revision petitioner in his affidavit and recording the attempt made by the revision petitioner to alienate the property to defeat the rights of the respondent passed impugned order directing the revision petitioner to furnish the security.



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5. As rightly pointed out by the lower Court, genuineness or otherwise of the agreement, based on which suit money is claimed, can be gone into only at the time of final disposal. Even according to the case of the revision petitioner, he already had discharged a sum of Rs.10 lakhs. However, whether the discharge pleaded by the revision petitioner is true or not can be decided only at the final hearing stage. In the light of the clear averment made by the respondent in his affidavit that revision petitioner has been making attempt to alienate the suit property to third parties in order to balance the rights of the parties, the Court below rightly by way of impugned order directed the revision petitioner to furnish security. The revision petitioner instead of complying the order passed in this revision, has rushed to this Court by invoking supervisory jurisdiction of this Court without any valid points. Therefore, I do not find any illegality or irregularity in the order passed by the Court below. Consequently, C.R.P.3234 of 2022 stands dismissed. No costs. Connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order / Non-Speaking Order
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S.SOUNTHAR, J.

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To

The Additional District Judge,
(FTC), Arani, Tiruvannamalai District.

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