



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Third day of March Two Thousand and
Twenty Two
PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CMP(MD) No.1091 of 2020
IN
AS(MD) No.23 of 2020

DHANUSHKODI

... APPELLANT/PLAINTIFF

Vs

SAI VIJAY KUMARAVEL

... RESPONDENT/DEFENDANT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Pass an order of directing the respondent to furnish security for the suit amount and in failure to do so order of Attachment of the schedule mentioned properties before Judgement which is the subject matter in I.A.No. 10 of 2018 in O.S.No. 26/2018 on the file of the Additional District Judge (Fast Track Court) Theni, pending disposal of main Appeal Suit.

DESCRIPTION OF PROPERTY

Theni District, Periyakulam Registration District, Theni Sub Division, Upparpatty Village, S.Nos.43/1A in Acre 5 cent 80, 43/2 in 52 cents, 43/3A in Acre 1 cent 75 totally Acre 8 cent 7 site boundary is

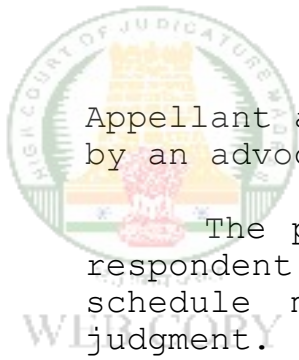
North	:R.Boopathy's Site
West	:Dingigul-Kumuli NH Road
South	:Seeranga Naickar's site
East	:Baskran's site

Total Are of Site is Acre 8 cent 7

Prayer in AS(MD) . 23/ 2020 :

To set-aside the Judgement and Decree dated 23.09.2019 passed in O.S.No.26/2018 on the file of the Additional District Judge (Fast Track Court) Theni by allowing this Appeal Suit.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.NALLATHAMBI, Advocate for the



Appellant and of not appeared for the Respondent either in person or by an advocate, the court made the following order:-

The petitioner/appellant has filed the petition to direct the respondent to furnish security, failing which, to attach the schedule mentioned property belonging to the respondent before judgment.

2.The petitioner, who is the plaintiff has filed the suit for recovery of money and lost the same. However, pending suit, an application seeking order of attachment was filed and the trial Court ordered the same and the said order was in force till the disposal of the suit.

3. The learned counsel for the petitioner would submit that in the event the schedule mentioned property is sold, he would not be able to recover the decree amount, even if he succeeds the appeal.

4.When the matter is called today, there was no representation for the respondent.

5.Considering the submissions made by the petitioner and also considering the fact that the order of attachment before judgment was in force till the disposal of the suit, the respondent is directed to furnish the security for an amount i.e., Rs,28,99,000/- within a period of two weeks, failing which, the property will be attached before judgment in this appeal.

6.List the matter after two weeks.

sd/-
23/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT), THENI.

ORDER

IN

CMP(MD) No.1091 of 2020

IN

AS(MD) No.23 of 2020

Date :23/03/2022

SA/SVR/SAR.3/04.04.2022/2P/2C