



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No.196 of 2022

and

C.M.P. (MD) No.863 of 2022

1.A.Rajangam
2.R.Veerammal

... Petitioners/Respondents/Defendants

Vs.

B.Muthu Kumaran

...Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, to allow the Civil Revision Petition and to set aside the Decree and Judgment in I.A.No.2 of 2021, dated 19.01.2021 in O.S.No.158 of 2021, on the file of the Mahila Court - Fast Track, Theni.

For Petitioners :Mr.P.Muthu Vijaya Pandian
For Respondent :Mr.P.Thirumahilmaran

ORDER

This Civil Revision Petition has been filed by the petitioners to set aside the order, dated 19.01.2021 in I.A.No.2 of 2021 in O.S.No.158 of 2021, on the file of the Mahila Court - Fast Track, Theni.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The plaintiff has filed a petition in I.A.No.2 of 2021 in O.S.No.158 of 2021 on the file of the Mahila Court - Fast Track, Theni, under Order 38 Rule 5 of Civil Procedure Code to attach the suit property before Judgment. The suit in O.S.No.158 of 2021 was filed for recovery of money based on pro-note. The Court below has passed an order for furnishing security. But, the revision petitioner herein/defendants have failed to comply with the order passed by the Court below and not furnished any security for the suit amount. So, the Court below has passed an order for attachment before Judgment. Aggrieved over the said order, the revision petitioners are before this Court.

4.Heard on either side. Perused the material documents available on record.



5.The revision petitioners has stated that the property attached was already mortgaged with Canara Bank and there can be second charge over the property. The plaintiff is ready to get money after setting the due on Canara Bank. So, no prejudice would be caused to the revision petitioners.

6.Hence, the Court below has rightly allowed the I.A.No.2 of 2021 and this Court has no valid reason to interfere with the order.

7.In view of the foregoing reasons, this Civil Revision Petition is dismissed by confirming the order, dated 19.01.2021 in I.A.No.2 of 2021 in O.S.No.158 of 2021, on the file of the Mahila Court - Fast Track, Theni. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ksa

To

The Judge,Mahila Court - Fast Track,
Theni.

+1 CC to M/s.P.THIRUMAHILMARAN, Advocate (SR-15133[F] dated
29/03/2022)

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MGJ(22.04.2022) 2P 3C