



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 614 of 2022

and CMP(MD)No.2536 of 2022

T.Babu

... Petitioner/Petitioner/
Plaintiff

Vs

1.P.K.Rajkumar

2.The Canara Bank, Palani,
Rep.by its Chief Manager.

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 31.03.2021 passed in I.A. No. 19 of 2021 in O.S. No. 17 of 2021 on the file of the Additional District Court, Palani by allowing this Civil Revision Petition.

For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.S.C.Herold Singh (R1)
Mr.N.Dilip Kumar (R2)

ORDER

To set aside the Fair and Decreetal order dated 31.03.2021 passed in I.A. No. 19 of 2021 in O.S. No. 17 of 2021 by the learned Additional District Judge, Palani, the revision petitioner has filed this Civil Revision Petition.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.Originally, the suit in O.S.No.17 of 2021 was filed by the revision petitioner/plaintiff against the respondents/defendants for recovery of amount. In the suit, the revision petitioner has filed a petition in I.A.No.19 of 2021 for attachment of property before Judgment under Order XXXVIII Rule 5 & 6 of Civil Procedure Code. The first respondent has given an undertaking that he would not sell the property and hence the petition was dismissed. The grievance of the learned counsel appearing for the petitioner is that the first respondent should given an undertaking that he would not alienate



the property and the same should be intimated to the concerned Sub Registrar.

4.In view of the above, the first respondent is hereby directed to file a fresh affidavit before the trial Court that he would not alienate the suit property and the same may be intimated to the concerned Sub Registrar.

5.With this direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADMIN-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Additional District Judge, Palani.

2.The Sub Registrar Joint - II, Palani.

3.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-21344[F] dated 26/04/2022)

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-21646[F] dated 27/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-21788[F] dated 27/04/2022)

C.R.P (PD) (MD) .No. 614 of 2022
and CMP (MD) No.2536 of 2022
25.04.2022

RK(12/05/2022) 2P 8C