



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 851 of 2022 and
CMP(MD).No. 3393 of 2022

A.Shanmugam .. Petitioner

Vs.

1.R.Geetha

2.V.Ramakrishnan

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 07.01.2022 made in I.A.No.215 of 2021 in O.S.No.277 of 2021 on the file of the Principal District Judge, Dindigul.

For Petitioner : Mr.S.Sankar

ORDER

The revision petitioner / plaintiff filed this revision to set aside the order, dated 07.01.2022 made in I.A.No.215 of 2021 in O.S.No.277 of 2021 on the file of the Principal District Judge, Dindigul.

2. Heard the learned counsel appearing for the revision petitioner. Since no adverse order passed against the respondents, no notice is necessary to the respondent.

3. The said Interlocutory Application filed by the revision petitioner under Order 38 Rule 5 and Sec. 151 CPC to attach the property before Judgment. The suit is for recovery of money. The trial Court has dismissed the petition on the ground that the property has already been mortgaged even prior to the date of promissory note. Further more, the suit property does not belong to the respondents / defendants.

4. Already, the respondents sold the property to the 3rd party in the pending suit. It is hit by *lis pendens* and therefore, no attachment before Judgment. Hence, the trial Court has rightly dismissed the petition and hence, this Court has not find any valid reason to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed, by confirming the order, dated 07.01.2022 made in I.A.No.215 of



2021 in O.S.No.277 of 2021 on the file of the Principal District Judge, Dindigul. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

To

The Principal District Judge,
Dindigul.

Copy to

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

CRP(MD).No. 851 of 2022 and
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13.04.2022

VR(CO)

KB(26.04.2022) 2P 4C