



CRP No.3731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.3731 of 2022

P.R.Velumani

....Petitioner

-Vs-

R.Dinesh

.... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to set aside the petition docket order dated 19.10.2022 made in I.A No.2 of 2022 in O.S No.800 of 2022 passed by the III Additional District and Sessions Judge, Gobichettipalayam.

For Petitioner : Mr.S.Parthasarathy
For Respondent : Mr.R.Govindaraj

ORDER

This Civil Revision petition has been filed to set aside the docket order dated 19.10.2022 made in I.A No.2 of 2022 in O.S No.800 of 2022 passed by the III Additional District and Sessions Judge, Gobichettipalayam.



2. Heard the learned learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the petitioner submitted that the respondent filed a suit in O.S No. 800 of 2022, on the file of the III Additional District and Sessions Court, Gobichettipalayam, for recovery of money to the tune of Rs.1,00,66,784/- against the petitioner. In the meanwhile, the respondent filed I.A NO. 2 of 2022 for attachment of property. While so, on 17.1.2022, without giving opportunity to the the petitioner the Trial Court directed the petitioner to produce security for the suit amount, failing which, the petitioner's property shall be attached on the same day and posted the matter to next hearing on 18.11.2022. Further he submitted that the Trial Court without giving notice to the petitioner with regard to order of attachment hence which is not maintainable. Hence he filed this petition.

4. The learned counsel for the respondent submitted that the Trial Court has only observed that the petitioner shall furnish security failing which order of attachment will be passed. In the meanwhile, the petitioner preferred revision petition and obtained stay, until now there is no progress before the Trial Court. Admittedly, challenging attachment order passed in I.A No.2 of 2022 under Order 38 Rule 5 defendant's preferred this revision petition. This Court is of the



CRP No.3731 of 2022

view that, during the pendency of said proceedings the petitioner/defendant shall not encumber the property and the III Additional District and Session Court, Gobichettipalayam, has not pass any order with regard to I.A No.2 of 2022 on 19.10.2022. Therefore, III Additional District and Sessions Court, Gobichettipalayam, is directed to pass order in I.A No. 2 of 2022 in O.S No. 800 of 2022 after giving ample opportunity to both parties within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of. No Costs.

15.03.2023

Index : Yes/No
Internet : Yes/No
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CRP No.3731 of 2022

T.V.THAMILSELVI, J.
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CRP.No.3731 of 2022

15.03.2023