



C.R.P. No.3443 of 2019 and
C.M.P. No.22603 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3443 of 2019 and C.M.P. No.22603 of 2019

N.Mahendiran

... Petitioner

Vs.

1.Pappathi @ Sarojini
2.Gayathri
3.Minor Sibikumar
4.Minor Dhanusree
(Minors rep. by their
mother Gayathri)

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 02.08.2019 in I.A. No.776 of 2018 in O.S. No.681 of 2018 on the file of Principal Sub Court, Erode and allow the civil revision petition.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.D.Gopal for R1
No Appearance for R2

ORDER

The present revision is preferred challenging an order passed by the trial court dated 02.08.2019 dismissing I.A. No.776 of 2018, which the plaintiff had laid in his suit for money in O.S. No.681 of 2018 for an interim attachment of the property of the defendants before judgment. This was dismissed.



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2. During the course of hearing, this court enquired if the defendants would like to intend to alienate any portion of the property to which, the learned counsel made a statement on instructions from the defendants that the defendants are not intend to dispose of the property. The said statement is recorded. Now the defendants are required to file an affidavit before the trial court to the effect that they will not alienate the property without the leave of the court.

3. This civil revision petition is accordingly disposed of. Since the suit for money is pending from 2018, the trial court is required to expedite the trial of the suit itself. This court is informed that the suit is posted for commencement of trial tomorrow (11.04.2023), and the plaintiff is required to kick start the trial. No cost. Consequently, the connected civil miscellaneous petition is closed.

10.04.2023

Asr

To
The Principal Sub Court, Erode

Note to office:

Issue order copy today



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N.SESHASAYEE, J.,

Asr

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