



C.R.P(MD)No.2640 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P.(MD)No.2640 of 2014
and M.P(MD)No.2 of 2014

Kannan

... Petitioner/Respondent/Defendant

Vs.

A.Palanichamy

... Respondent/Petitioner/Plaintiff

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India as against the order made by the District Court, Karur, in I.A.No.301 of 2014 in O.S.No.47 of 2014 dated 07.11.2014.

For Petitioner : Mr.S.Ramasundar Vijayraj

For Respondent : Mr.A.N.Ramanathan

ORDER

This Civil Revision Petition is filed assailing the order passed by the learned District Judge, Karur in I.A.No.301 of 2014 in O.S.No.47 of 2014 dated 07.11.2014 by the petitioner/respondent/defendant.



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2. For the sake of convenience, the parties are described as per their litigative status before the trial court.

3. Heard the learned counsel for the petitioner as well as the respondent at length.

4. The respondent/plaintiff has filed an Interlocutory Application in I.A.No.301 of 2014 seeking to direct the respondent to furnish security to the tune of Rs.1,41,93,000/- towards the suit amount, costs with future interest within the time granted by the trial court and on failure to do so, to grant an order of prescriptive attachment before judgment of the immovable property mentioned in the accompanying petition belonging to the respondent/defendant and to grant an order of a conditional attachment to the same effect till the disposal of the above suit.

5. The Original Suit in O.S.No.47 of 2014 was a suit for recovery of money to the tune of Rs.1,41,93,000/-. A counter was also filed in the said Interlocutory Application in I.A.No.301 of 2014. However, the said Interlocutory Application was filed on 07.10.2014. The trial court was pleased to direct the respondent/defendant to furnish sufficient security for the suit amount within the



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time granted by the said court and on failure to do so, the order of prescriptive attachment would be made and it was further directed to furnish security on or before 07.04.2014.

6. In the meanwhile on 14.10.2014, a counter was also filed by the respondent/defendant.

7. However, as directed by the learned trial Judge, the respondent/defendant failed to furnish security. In view of the same said case was taken for hearing on 07.11.2014. The trial court was pleased to allow the petition thereby passing an order of prescriptive attachment for non furnishing of security.

8. Assailing the said order of attachment on the ground that the amount of security to be furnished was not specifically stated in the said docket order and the order is only a docket order and not a speaking order, the petitioner/ defendant is before this Court by filing this Civil Revision Petition.

9. This Court is of the considered view that the suit is one for recovery of money of the year 2014 and the suit is still pending. Considering the huge amount of Rs.1,41,93,000/- was involved and in the order dated 08.10.2014, when the trial



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court has specifically stated that the security to be furnished is for the said amount,
there is no infirmity in the order passed by the trial court.

10. In view of the same, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2023

Index : Yes/No
Internet : Yes/No
CM

To

1. The District Court, Karur
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

CM

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