



C.R.P(MD)No.23 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.23 of 2023

and

C.M.P(MD)No.140 of 2023

R.Vijay

... Petitioner

Vs.

A.Marimuthu

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order in I.A.No.436 of 2022 in O.S.No.488 of 2022 dated 21.11.2022 on the file of the learned Additional Sub Court, Kumbakonam, Tanjore District.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.K.Guhan

ORDER

The present revision petition has been filed challenging the order of attachment before the Judgment passed by the Trial Court.



C.R.P(MD)No.23 of 2023

WEB COPY

2. According to the petitioner / defendant, he is an Fireman and a government servant. He has already given an undertaking affidavit dated 21.11.2022, in which, in paragraph No.3, it is stated that he will not alienate or encumber the property pending suit. However, without considering the said undertaking affidavit, the order of attachment has been passed. Challenging the same, the present petition has been filed.

3. Considering the fact that the defendant is a government servant and he has also given an undertaking that he will not alienate or encumber the property in the pending suit, I find that the Court ought not to have proceeded to pass an order of attachment. Therefore, the order impugned in this petition is set aside. The undertaking given by the defendant is hereby recorded. Incase there is any violation of the undertaking, the respondent / plaintiff is entitled to initiate contempt proceedings as against the defendant.

4. With the said observations, this Civil Revision Petition stands allowed. The order of attachment passed by the trial Court is hereby



C.R.P(MD)No.23 of 2023

raised. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23.02.2023

NCC : Yes / No
Index : Yes / No
Sm

Note: Registry is directed to return thereafter the original impugned order.

To

- 1.The Additional Sub Court, Kumbakonam,
Tanjore District.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.23 of 2023

R.VIJAYAKUMAR ,J.

Sm

Order made in
C.R.P(MD)No.23 of 2023

Dated:
23.02.2023