



C.R.P. (MD) No. 1670 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1670 of 2023

K.Ramu

... Petitioner/
Plaintiff

-VS-

1.A.Sasikala
2.R.Nagammalakshmi

... Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.290 of 2021 in O.S.No. 420 of 2021 dated 30.01.2024 on the file of the I Additional District Court, Madurai.

For Petitioner : Mr.V.N.Arjun



C.R.P. (MD) No. 1670 of 2024

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ORDER

The Civil Revision Petition is directed against an order dated 30.01.2024 made in I.A.No.290 of 2021 in O.S.No.420 of 2021. By the said interlocutory application, the petitioner herein had prayed for an order of attachment before judgment. The Trial Court after considering the case of the parties, dismissed the petition. Against which, the present Civil Revision Petition is filed.

2. The learned Counsel appearing on behalf of the petitioner would submit that when the suit is filed for recovery of more than a sum of Rs.43,00,000/- (Rupees Forty Three lakhs only), the Trial Court ought to have ordered the attachment, otherwise the defendant would remove the machineries and the other articles and in the event of the petitioner succeeding in the suit will be left with nothing to realize the decree.

3. I have considered the said submissions made by the learned Counsel for the petitioner. The application for attachment before judgement itself is filed on the ground that there is an imminent threat of the defendant, removing or alienating the properties or moving away from the jurisdiction of the Court thereby to defeat the claim of the plaintiff. In the instant case, though such an



C.R.P. (MD) No. 1670 of 2024

apprehension is expressed in the year 2021, now we are in the year 2024 and the suit is in the stage of trial.

4. In view thereof, at this stage, this Court is not inclined to exercise the power under 227 of the Constitution of India so as to upset the discretionary power exercised by the Trial Court. In view thereof, except to request the Trial Court to take up the suit in O.S.No.420 of 2021 for expeditious disposal, the Civil Revision Petition stands dismissed. No costs.

26.07.2024

NCC : Yes/No

PKN



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C.R.P. (MD) No. 1670 of 2024

D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The I Additional District Court, Madurai.

C.R.P. (MD) No. 1670 of 2024

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