



C.R.P.(MD)No.1896 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1896 of 2024

Navaneethan

... Petitioner/Petitioner/Plaintiff

Vs.

Krishnamoorthy

... Respondent/Respondent/Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the petition and docket order dated 21.02.2024 made in I.A.No.2 of 2022 in O.S.No.231 of 2022 on the file of the Learned Subordinate Court, Aruppukottai and allow the Civil Revision Petition.

For Petitioner : Mr.V.Sasi Kumar

For Respondent : No appearance

* * *

ORDER

Heard the learned counsel for the revision petitioner.

2.Though notice was issued to the respondent and his name was printed in the cause list, he he has not chosen to enter appearance.



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3.The plaintiff in O.S.No.231 of 2022 on the file of the Sub Court, Arupukkottai is the revision petitioner herein. It is a suit for recovery of money. I.A.No.2 of 2022 was filed under Order XXXVIII Rule 5 of Civil Procedure Code. On 07.02.2024, notice was issued and direction was given, directing the defendants to furnish security to the tune of Rs.9,50,000/- on or before 21.02.2024.

4.The grievance of the revision petitioner is that even though no security was furnished, still I.A.No.2 of 2022 came to be closed. I am satisfied that the respondent has not furnished security at all.

5.In this view of the matter, the impugned order is set aside and the matter is remitted to the file of the Sub Court, Arupukkottai. I.A.No.2 of 2022 shall be disposed of on merits and in accordance with law within a period of eight weeks from the dated of receipt of a copy of this order.

6.The civil revision petition are allowed on these terms. No costs.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Sub Court,
Arupukkottai.



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G.R.SWAMINATHAN, J.

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