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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.1904 of 2024

S.Girija

...Petitioner

Vs.

1. V. Ramakrishnan

2. Sugathan

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decreetal order passed in I.A.No.3 of 2024 in I.A.No.321 of 2009 in O.S.No.113 of 2009, dated 15.07.2024 on the file of the Principal District Munsif Court, Vedasanthur.

For Appellant : Mr.S.Kumar

For Respondents : Mr.S.Harish, for R-1

R-2 – Dismissed

ORDER

This Civil Revision Petition is filed to set aside the Fair and Decreetal order passed in I.A.No.3 of 2024 in I.A.No.321 of 2009 in O.S.No. 113 of 2009, dated 15.07.2024 on the file of the Principal District Munsif Court, Vedasanthur. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendant.



2. The Civil Revision Petition is filed by one S.Girija as third party to the proceedings. The Civil Revision Petitioner had filed the same after the death of her husband who was the defendant in the suit.

3. The plaintiff V.Ramakrishnan has filed the suit in O.S.No.113 of 2009 on the file of the Principal District Munsif Court, Vendasandur, against the defendant Sugathan for recovery of money to the tune of Rs.50,000/- and the same was decreed along with interest. The defendant Sugathan was liable to pay totally Rs.85,800/-. Against the same, E.P.No.32 of 2011 was filed and the same was dismissed. Subsequently, the plaintiff had filed an interlocutory petition in I.A.No.321 of 2009 in O.S.No.113 of 2009 for attachment of the petition mentioned property and the same was allowed on 09.01.2009. Therefore, the revision petitioner herein/3rd party/defendant's wife has filed I.A.No.3 of 2024 in I.A.No.321 of 2009 in O.S.No.113 of 2009 for lifting the attachment over the petition mentioned property and the same was dismissed on 15.07.2024. Against the said dismissal order, the 3rd party/revision petitioner is before this Court.

4. Today, when the matter is taken up for hearing, the Learned Counsel appearing for the revision petitioner submitted that the revision



petitioner had paid an amount of Rs.1,50,000/- [Rupees One Lakh Fifty Thousand Only] to the plaintiff through a Demand Draft, dated 27.08.2024 bearing No.286881 and photocopy of the Demand Draft is produced before this Court. Since the entire amount is settled the attachment proceeding is not necessary. Since payment is settled before this Court, the Learned Principal District Munsif, Vedasanthur. is directed to raise the attachment order, dated 15.07.2024 passed in I.A.No.3 of 2024 in I.A.No.321 of 2009 in O.S.No.113 of 2009.

5. With the above observations, this Civil Revision Petition is disposed of. No Costs.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

Note: Issue a copy of order on 02.09.2024.

To

1. The Principal District Munsif Court,
Vedasanthur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.1904 of 2024

29.08.2024