



C.R.P(MD)No.2190 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2190 of 2019
and
C.M.P(MD)No.11422 of 2019

1.VKSM.Rajamohamed

2.Hafifa

... Petitioners /Respondents/
Defendants

Vs.

Subramaniyan

... Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the judgment and decree passed by the Sessions Judge, Mahila Court, Pudukkottai in I.A.No.2 of 2019 in O.S.No.58 of 2019, dated 24.09.2019.

For Petitioners : M/s.A.Banumathy
For Respondent : Mr.R.Paranjothi

ORDER

The present revision petition has been filed by the defendants in O.S.No.58 of 2019 on the file of Mahila Court, Pudukkottai challenging an order wherein an order of attachment before judgment has been passed.



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2. The respondent as plaintiff has filed the above said suit for recovery of money based upon a pro-note. Pending suit, the plaintiff had filed I.A.No.2 of 2019 for attaching the suit schedule properties. The trial Court by an order, dated 24.09.2019 had directed the defendants to furnish security of immovable property either by producing and submitting the original title deeds along with the bond or by execution of a simple mortgage for an amount of Rs.17,42,400/-. However, the said order has not been complied with. Challenging the said order, the present revision petition has been filed.

3. According to the learned counsel appearing for the revision petitioners/defendants, so far they have not alienated the petition mentioned property in I.A.No.2 of 2019. Considering the fact that there is no order of attachment from the year 2019 onwards and the suit is pending for more than 5 years, this Court is inclined to pass the following order:

(i) The defendants shall not alienate both the items of the property mentioned in the schedule to I.A.No.2 of 2019 till the disposal of the suit.



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(ii) The trial Court is directed to dispose of the suit on

WEB COPY or before 30.11.2024.

4. With the said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

25.04.2024

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

1.The Sessions Judge,
Mahila Court,
Pudukkottai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.2190 of 2019

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