



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

CMP NO. 5149 of 2025

DATED: 07-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 5149 of 2025

in SA NO. 177 OF 2025

V.Thulasiraman

S/o. Venkatesa Naidu, No. 1 Parthasarathy Street,
Kulasekarapuram, Sinmayanagar, Chennai -92.
(Presently at No. 347 Karuvukathamman Koil
Street, Karikilavakkam Village and Post,
Thiruvallur Taluk and District -21.

Appellant(s)

Vs

D.S.Prabhu

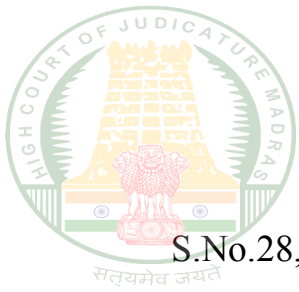
S/o. Sudharasan Naidu, Kunnathur Village,
Nabalore Post, Tiruttani Taluk, Thiruvallur
District.

Respondent(s)

For Appellant(s): Mr.R.Selvakumar

ORDER

This petition has been filed to remove the attachment effected, vide order dated 04.10.2017 in I.A.No.266 of 2017 in O.S.No.50 of 2016 by the learned Subordinate Judge, Trittani, over the following properties, namely, (1)Thiruvallur District and Taluk, Karuvukatha Amman Koil Street, Karikilavakkam Village, a terraced house bearing Door No.347 and (2)Wet



S.No.28, Extent 0.26.0 Hectares under Patta No.4689.

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2.The learned counsel for the petitioner submitted that before the Trial Court, the plaintiff has not succeeded in the suit and on appeal, the Appeal Suit was also reversed. However, the plaintiff filed an application before the Trial Court to attach the suit properties belonged to the defendant which is shown as the suit properties in I.A.No.266 of 2017 and an *ex parte* order of attachment was effected. After the dismissal of the suit, the Trial Court has not raised the attachment, but the Appeal Suit was allowed. Challenging the same, the defendant preferred this Second Appeal.

3.The learned counsel for the petitioner submitted that the suit claim is for Rs.4,25,000/- and for that, the house property was attached by the Trial Court. He submitted that the petitioner is ready to deposit the said amount as security and prayed to raise the attachment.

4.Therefore, the raising of attachment is not prejudice to the other side. Accordingly, the attachment order passed by the Trial Court in I.A.No.266 of 2017 in O.S.No.50 of 2016 is raised on condition that the petitioner shall deposit a sum of Rs.4,25,000/- (Rupees four lakhs and twenty five thousand only) to the credit of O.S.No.50 of 2016 on the file of



the learned Subordinate Judge, Trittani.

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Accordingly, this Civil Miscellaneous Petition is ordered.

07-03-2025

mps

Note to office:

Issue order copy on 12.03.2025



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T.V.THAMILSELVI, J.

mps

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