



C.R.P.PD.No.910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.03.2025**

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P.PD.No.910 of 2025

and

C.M.P.No.5295 of 2025

S.Perumal

... Petitioner

Vs

1.A.Palani

2.Repco Bank Ltd.,
Tambaram Branch,
Rep.by its Deputy General Manager,
No.38/169, Iyyasamy Street,
West Tambaram,
Chennai-600 045.

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India against the docket order dated 31.07.2024 passed in I.A.No.2 of 2021 in O.S.No.174 of 2021 on the file of the Principal District Judge, Chengalpattu.

For Petitioner : Mr.N.Manokaran

for Mr.V.Achuthanandan

For Respondent-1 : Mr.P.Saravanan Sowmiyan



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ORDER

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This Civil Revision Petition is filed seeking to set aside the docket order dated 31.07.2024 passed in I.A.No.2 of 2021 in O.S.No.174 of 2021 on the file of the Principal District Court, Chengalpattu.

2. The 1st defendant is the revision petitioner before this Court. To appreciate the grievance of the petitioner, it would be necessary to refer to the orders passed in I.A. No. 2 of 2021 in O.S. No. 174 of 2021. On 22.09.2021, the following order was passed:

“As the result, this petition is allowed. The petitioner-defendant is directed to furnish security to the suit claim within one month from the date of this order, failing which attachment of petition schedule mentioned properties before judgment will be ordered. Call on 27.10.2021.”

Immediately, the petitioner had filed I.A.No.4 of 2021 to set aside the order dated 22.09.2021, and ultimately, the said order was set aside on



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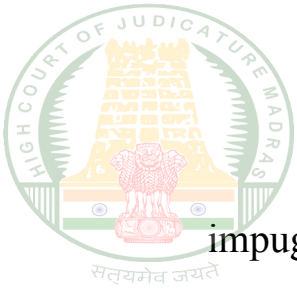
20.01.2022. Thereafter, the matter has been kept pending, and after the matter had been reserved for orders, the learned Principal District Judge, Chengalpet had passed the following order on 31.07.2024:

“This petition is filed to attach the property failing to furnish security. Already order of attachment was granted on 22.09.2024. But the respondent/defendant filed petition to set aside ex-parte order which was allowed. In spite of the same security not furnished suit is for recovery of money. If property not attached no purpose in getting decree.

Therefore property has to be attached.

Batta in a week attach by 25.09.2024.”

The learned Judge had totally failed to appreciate that the order dated 22.09.2021 had been set aside, and the matter was argued afresh. After the matter had been argued afresh, the learned Judge has relied upon the order dated 22.09.2021 which was set aside for passing the



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impugned order dated 31.07.2024. The order, therefore, suffers from a total non-application of mind on the part of the learned Judge.

3. Therefore, the civil revision petition is allowed, and the impugned order dated 31.07.2024 is set aside and the matter is remitted back to the learned Principal District Judge, Chengalpet, to consider and pass orders afresh in I.A.No.2 of 2021 in O.S.No.174 of 2021 within a period of 2 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2025

srn

To

The Principal District Judge,
Chengalpattu.



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P.T. ASHA, J.,

srn

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