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C.R.P.(PD).No. 719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).Nos. 719 of 2025

&

C.M.P.NO. 4107 of 2025

B.Venkateswaralu

...Petitioner

Vs.

1.Umadevi Jayabalan

2.Rajan Jayabalan

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 06.02.2025 in IA.No.16 of 2025 in COS.No.717 of 2022 on the file of the Additional Commercial Court, Egmore, Chennai.



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For Petitioner : Mr.B.Venkateswaralu
Party-in-Person

ORDER

The plaintiff has challenged the order passed in IA.No.16 of 2025 in COS.No.717 of 2022. The petitioner had appeared as a party-in-person before this Court.

2. The impugned application is one to furnish security or in the failure to order an attachment before Judgement.

3. The suit COS.No.717 of 2012 has been filed by the petitioner for a recovery of a sum of Rs.6,17,966.61/- together with interest @ 36% monthly compounded interest on a sum of Rs.3,26,348/-. Along with the suit the petitioner had filed IA.No.1589 of 2017 for the very same relief. This application was dismissed on 03.10.2023. Thereafter, the plaintiff had once again filed IA.No.15 of 2024 seeking



a direction to the respondent to provide security for 50% of the suit claim. This application after contest dismissed on 20.12.2024. The suit is posted for cross examination of the plaintiff as P.W.1. At this juncture, the present application has been filed for the very same relief. By order dated 06.02.2025 the said application has been dismissed.

4. Aggrieved by the same, the petitioner is before this Court.

5. Heard the party-in-person.

6. The party-in-person would submit that earlier applications have been dismissed and this application has been filed so as to ensure that the respondent do not fritter away the properties thereby depriving the petitioner of his right to recover the decree amount. A perusal of the records particularly the orders passed by the Additional Commercial Court, Egmore, Chennai, would show that the applications have already been filed by the petitioner for the same relief and both applications have been dismissed after contest.



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7. The power under Order XXXVIII Rule 5 & 6 of the CPC has to sparingly exercised and it cannot be ordered at the asking. The petitioner had suffered two earlier orders for the very same relief. No new factor has been set out by the petitioner for reviving the request.

8. Therefore, I see no reason to interfere with the order passed by the Additional District Judge, Additional Commercial Court, Egmore, Chennai. The Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

25.02.2025

Index : Yes/No

Internet : Yes/No

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To

The Additional District Judge,
Additional Commercial Court,
Egmore,
Chennai.



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P.T. ASHA, J,

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