



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP No. 1935 of 2023 and CMP No.12262 of 2023

1. P.Vel

Proprietor, S/o Palaniappan, M/s J.R.V
Trading Company, Office at Jaganathan
Complex, Andalore Gate, Rasipuram
Taluk, Namakkal Distirct.

Petitioner(s)

Vs

1. R.Kumarasamy

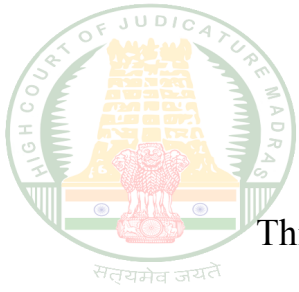
S/o Raja Gounder, Proprietor, M/s
Rajalakshmi Poultry Farm, Gambai
Kadu, Atthanoor, Rasipuram Taluk,
Namakkal District.

Respondent(s)

PRAYERCivil Revision Petition filed under Article 227 of the Constitution of India, against the Order dated 19.12.2022 made in I.A.No.2 of 2022 in Commercial Original Suit No.18 of 2022 on the file of the Court of The Principal District Judge, Namakkal.

For Petitioner(s): P.Ganesan

For Respondent(s): M/s.N.Suresh



ORDER

This Civil Revision Petition has been filed against the order dated 19.12.2022 made in I.A.No.2 of 2022 in Commercial Original Suit No.18 of 2022 on the file of the learned Principal District Judge, Namakkal.

2. Learned counsel for the petitioner submitted that the revision petitioner is the plaintiff, who had filed a money suit in Commercial Original Suit No.18 of 2022 and an interlocutory application in I.A.No.2 of 2022 under Order 38 Rule 5 read with Section 151 of Civil Procedure Code, seeking to direct the defendant to furnish security for the suit amount of Rs.1,20,000/-, failing which, attach the suit property of the defendant. The Trial Court had dismissed the same, by recording that the petitioner had failed to disclose the subsisting encumbrance and concluded that the genuineness of the transaction should be determined only on conclusion of trial.

3. The learned counsel appearing for the respondent submitted that the claim made by the petitioner is premature and the same could be decided only during the trial.



4. Heard the submissions made on either side and perused the materials available on record.

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5. The Trial Court, by dismissing I.A.No.2 of 2022 on 19.12.2022, had come to the conclusion that the validity of the suit claim and genuineness of the transaction, as claimed by the petitioner, has to be determined only on conclusion of the trial and not at this stage.

6. This Court feels that the order passed in I.A.No.2 of 2022 dated 19.12.2022 is in accordance with law and needs no interference by this Court. Hence, the Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Anu

17-04-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

The Principal District Judge, Namakkal.



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N.SENTHILKUMAR.J,
Anu

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