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CMA.No.271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.271 of 2025 and
CMP No.2029 of 2025

K.C.Palanisamy

... Appellant

Vs.

A.Thiagarajan

... Respondent

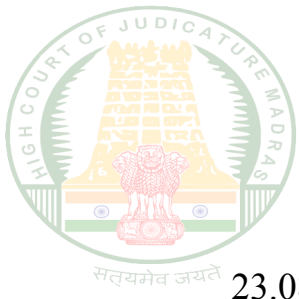
Prayer: Civil Miscellaneous Appeal filed under Order 43(1) of CPC to set aside the order dated 23.08.2024 passed in I.A.No.2 of 2021 in O.S.No.169 of 2021 on the file of the V Additional District and Sessions Judge, Coimbatore.

For Appellant : T.Thiageswaran
For Waraon And Sai Rams
For Respondent : M/s V. Siva Kumar

ORDER

This civil miscellaneous appeal has been filed challenging the order passed by the Trial court, ordering Attachment Before Judgment.

2. The respondent herein filed a suit for recovery of a sum of Rs.10,09,980/- together with interest at the rate of 18% p.a. from the date of suit to till the date of realization of the amount. Pending suit, the respondent filed I.A.No.2 of 2021 seeking attachment before judgment and the same was ordered by the Trial court by order dated



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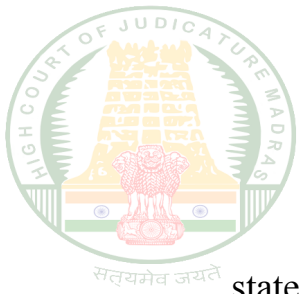
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23.08.2024. Aggrieved by the said order, the appellant has come before this court by filing the present appeal.

3. The learned counsel for the appellant/defendant at the out set would submit that the appellant is ready to deposit a sum of Rs.10,10,000/- within two weeks from today.

4. The learned counsel for the respondent would submit that if the appellant deposits the amount within two weeks, the order of attachment before judgment passed by the Trial court may be raised.

5. In view of the consensus arrived between the counsel for the appellant and the respondent, this court is inclined to direct the appellant to deposit a sum of Rs.10,10,000/- (Rupees ten lakhs and ten thousand only) as agreed on or before 21.04.2025 to the credit of O.S.No.169 of 2021 on the file of the V Additional District and Sessions Judge, Coimbatore. On such deposit being made, the order of attachment before judgment passed by the Trial Court shall stand set aside and the Trial Court is directed to send necessary communication to the concerned Sub Registrar immediately after raising of attachment. In case, the appellant fails to deposit the above amount, as per the



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statement made before this court, on or before 21.04.2025, the order of Attachment before judgment passed by the Trial Court will stand and the appeal shall stand automatically dismissed.

6. The amount deposited by appellant is subject to result of the suit. In case of success of plaintiff in the suit, he is entitled to the said amount. In case of success of defendant in the suit, he is entitled to withdraw the said amount, with accrued interest, if any.

7. With the above direction, this civil miscellaneous appeal stand disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

07.04.2025

Index : Yes/No

Speaking order : Yes/No

Neutral citation : Yes/No

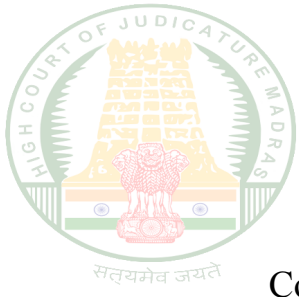
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Note: Issue order copy on 08.04.2025

To

1. The V Additional District and Sessions Judge,

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Coimbatore.

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2. The Section Officer,
V.R.Section, Madras High Court.



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S.SOUNTCHAR, J.

mst

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