



C.R.P.(MD).No.1405 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1405 of 2025

and

C.M.P(MD) No.7220 of 2025

V.Karuppusamy

... Petitioner/1st Respondent
Petitioner/Plaintiff

Vs.

1. Periyasamy

... 1st Respondent/Claimant
Third Party/Third Party

2. T.Kuppusamy

... 2nd Respondent/
2nd Respondent/
Respondent/Defendant

3. Mahalakshmi

... 3rd Respondent/
3rd Respondent/
Third Party/Third Party

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.01.2024 made in I.A.No.110 of 2013 in I.A.No.589 of 2012 in O.S.No.330 of 2012 on the file of the Additional Sub Court, Palani, and allow this Civil Revision Petition.

For Petitioner : Mr.G.Sridharan



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ORDER

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The plaintiff in O.S.No.330 of 2012, on the file of the Additional Sub Court, Palani, has filed the present Civil Revision Petition challenging the allowing of an application to raise the order of attachment.

2. The present suit has been filed for the relief of recovery of money based upon a pronote. Pending suit, an attachment before judgment order was passed in I.A.No.589 of 2012 on 18.12.2012. The first respondent herein, who is a third party to the suit has filed I.A.No.110 of 2013, to raise the order of attachment. This application has been allowed. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, knowing fully well that the suit came to be filed for recovery of money, the defendant has sold the property in favour of the third party and therefore, the order of attachment should not have been raised by the trial Court.



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4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The defendant in the suit has sold the property in favour of a third party on 03.02.2012. The suit for recovery of money has been filed by the revision petitioner only on 13.12.2012 and an order of attachment before judgment has been passed on 18.12.2012. Therefore, the trial Court has rightly found that the first respondent in the revision petition is a *bonafide* purchaser, who had purchased the property prior to the order of attachment before judgment. This Court does not find any merits in this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

29.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Sub Court,
Palani.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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