



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1859 of 2025

M.Palpandi

...Petitioner

Vs.

1.M.Maniram

2.M.Yasmin

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to the order passed by the Sub Court, Periyakulam in I.A.No.5 of 2024 in I.A.No.1 of 2022 in O.S.No.99 of 2022, dated 21.04.2025 and set aside the same.

For Petitioner : Mr.S.Shenbagaseeralan

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ORDER

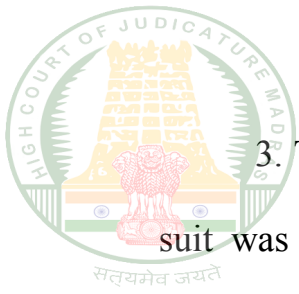
This petition has been filed seeking to set aside the order passed by the Sub Court, Periyakulam in I.A.No.5 of 2024 in I.A.No.1 of 2022 in O.S.No.99 of 2022, dated 21.04.2025.

2. The petitioner herein filed a suit in O.S.No.99 of 2022 before the

learned Sub Judge, Periyakulam, for recovery of money against the first



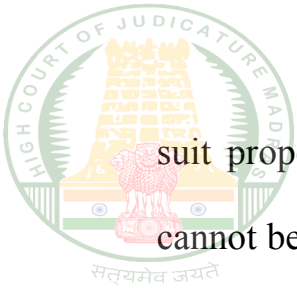
respondent. Pending suit, the petitioner filed an interlocutory application in I.A.No.1 of 2022 under Order 38 Rule 5 CPC before the same Court, seeking attachment before judgment in the event of failure by the first respondent to pay the disputed amount of Rs.9,59,842/- (including the interest amount for three months and 23 days). The first respondent received summons in I.A.No.1 of 2022 from the trial Court on 18.08.2022. Thereafter, due to the non-appearance of the first respondent, the learned Sub Judge, Periyakulam, passed an ex parte order on 18.10.2022. Subsequently, the first respondent filed an interlocutory application in I.A.No.3 of 2022 before the trial Court to set aside the exparte order in I.A.No.2022 and the same was allowed on 03.01.2023. Subsequently, on 14.02.2023, a conditional order was passed directing the first respondent to pay a sum of Rs.9,60,000/- within a period of three weeks, failing which the attachment before judgment, as sought for by the petitioner, would be allowed. As the condition was not complied with, the attachment order was made absolute on 06.04.2023 in I.A.No.1 of 2022. Thereafter, the second respondent, who is a third-party purchaser, filed an application in I.A.No.5 of 2024 before the same Court under Order 38 Rule 11A(2) read with Section 151 CPC, seeking to raise the attachment effected by the earlier order dated 14.02.2023. The said application was allowed on 21.04.2025. Challenging that order, the present petition has been filed.



3. The learned counsel appearing for the petitioner would submit that the suit was filed on 11.07.2022, whereas the second respondent purchased the property from the first respondent on 12.09.2022. After two months of filing the suit, the petitioner filed I.A.No.1 of 2022, which was allowed on 14.02.2023. At the time of passing the attachment order, the property stood in the name of the second respondent. This clearly indicates that the first and second respondents colluded with each other to mislead the trial Court in I.A.No.5 of 2024. However, it is pertinent to note that both respondents failed to defeat the petitioner's rightful claim. It is further submitted that, as on the date of the alleged sale of the disputed property to the second respondent, i.e., on 12.09.2022, the petitioner had already initiated attachment proceedings, and the order of attachment was subsequently passed by the learned Sub Judge on 14.02.2023, pursuant to the proceedings initiated much prior to the said sale.

4. Since no adverse orders are to be passed against the respondents at this stage, notice to them is dispensed with.

5. In the present case, the facts are not in dispute. Admittedly, the suit was instituted in the year 2022, and the second respondent purchased the property from the first respondent on 12.09.2022. However, the petitioner failed to take timely and effective steps to implead the second respondent, thereby preventing any legal restraint against him from asserting rights over the



suit property. In view of the same, the relief now sought by the petitioner cannot be granted, as the petitioner has not properly pleaded or substantiated his case before the trial Court.

6. In the result, the Civil Revision Petition stands dismissed. No costs.

04.07.2025

Internet: Yes/No
Index: Yes/No
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To
1. The Sub Court, Periyakulam.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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