



CRP(MD). No.1903 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 24/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1903 of 2025
and CMP(MD) No.10698 of 2025**

Muthulakshmi

... Petitioner

Vs

Balamurugan

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India against the fair and final order passed in IA No.2 of 2025 in OS No.81 of 2025 dated 19.06.2025 on the file of Additional District cum Sessions Judge, Virudhunagar District at Srivilliputtur.

For Petitioner : Mr.A.Sivaji

For Respondents : No appearance



CRP(MD). No.1903 of 2025

WEB COPY

ORDER

The Civil Revision Petition is filed against the order dated 19.06.2025 passed in IA No.2 of 2025 in OS No.81 of 2025 on the file of the Additional District cum Sessions Judge, Virudhunagar District.

2. The petitioner is the defendant in OS No.81/2025. The said suit was filed by the respondent/plaintiff for recovery of money from the petitioner to the tune of Rs.25 lakhs. Pending suit, the respondent filed an application in IA No.2/2025 under Order 38 Rule 5 of the Code of Civil Procedure for attachment before judgment before the trial Court. However, the said petition came to be allowed. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that when the petitioner has given an undertaking before the trial Court in the said interlocutory application that he will not alienate the property without leave of the Court, even after the said undertaking, the Court below has allowed the application for attachment before judgment. Hence, the



CRP(MD). No.1903 of 2025

learned counsel prays for interference.

WEB COPY

4. Though notice was served on the respondent, neither the respondent nor his counsel is present to prosecute the matter.

5. The suit is one for recovery of money. Pending suit, an interlocutory application was filed by the plaintiff for attachment before judgment. The petitioner is the defendant and he has already given an affidavit of undertaking before the trial Court in the said interlocutory application to the effect that he will not alienate the property in question without the leave of the Court. However, without considering the said undertaking, the application for attachment before judgment was allowed. Before this Court also, the petitioner has reiterated that the petitioner will not alienate the property without the leave of the Court. For all these reasons, the order impugned is to be set aside. However, it is made clear that if the petitioner violates the said undertaking, the respondent is at liberty to proceed against the petitioner in the manner known to law.



CRP(MD). No.1903 of 2025

6. Accordingly, the order dated 19.06.2025 made in IA No.2 of 2025 on the file of Additional District cum Sessions Judge, Virudhunagar District at Srivilliputtur, is set aside and the Civil Revision Petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

24.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Additional District cum Sessions Judge,
Virudhunagar District at Srivilliputtur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD), No.1903 of 2025

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.1903 of 2025**

Date : 24/07/2025