



CRP(MD). No.2240 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**Dated : 29/08/2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**CRP (MD). No.2240 of 2025  
and CMP(MD) No.13423 of 2025**

K.Shoba

... Petitioner

Vs

M.Sagayarasu

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.01 of 2021 in I.A.No.679 of 2015 in O.S.No.959 of 2015 on the file of the I Additional Subordinate Judge, Trichy dated 09-09-2024

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.R.Ramanujam

**ORDER**

The Civil Revision Petition is filed against the fair and decreetal order dated 09.09.2024 passed in I.A.No.01 of 2021 in I.A.No.679 of 2015 in O.S.No.959 of 2015 on the file of the I Additional Subordinate Judge, Trichy.



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2. The learned counsel for the petitioner would submit that the petitioner is the plaintiff in OS No.959/2015 on the file of the I Additional Subordinate Court, Trichy. The said suit was filed for recovery of money to the tune of Rs.7,00,000/- along with 24% interest per annum. Pending suit, the petitioner filed an application in IA No. 679/2015 for interim attachment under Order XXXVIII Rule 5 of the Code of Civil Procedure and attachment was also ordered on 22.01.2019, against which, the respondent/defendant preferred revision before this Court in CRP(MD) No.426/2019, which was dismissed on 28.02.2019. Subsequently, review application was filed in Rev. Aplc(MD) No. 102/2019, which was also dismissed on 20.08.2019. Thereafter, the respondent/defendant filed IA No.1/2021 under Order XXXVIII Rule 9 of the Code to raise the attachment passed in IA No.679 of 2015 and to receive the security to be offered by the respondent/defendant. However, IA No.1 of 2021 was closed without assigning any reasons, which is contrary to the earlier orders. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would however submit that after producing the security of agricultural land, the order impugned



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came to be passed and the agreement has not been revealed in the order impugned. The learned counsel for the petitioner would further submit that no agricultural land can be attached and if at all the attachment is dealing with house, the said attachment cannot be raised or withdrawn unless this Court grant permission in the Civil Revision Petition to raise the said attachment. Hence, the learned counsel for the petitioner would submit that when the order of the trial Court is confirmed, the same cannot be nullified by way of another attachment. Accordingly, he prayed for setting aside the said order.

4. The learned counsel for the respondent would however submit that the respondent has agreed to produce house site, which is worth about Rs.5 lakhs and ready to produce adequate security in respect of the house site except the dwelling house. The said statement is recorded.

5. I have considered the rival submissions and perused the materials available on record.

6. It is not in dispute that the agricultural land has been attached and in order to raise the attachment, an application has been filed. Now,



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the respondent has agreed to produce house site, which is worth about Rs.5 lakhs and ready to produce adequate security in respect of the house site except the dwelling property and if such a clarification petition is filed by the respondent before the trial Court, the trial Court shall verify the same as to whether the house site is worth more than Rs.5 lakhs and in such a case, the same can be accepted and substitute to the earlier attachment. Thereafter, the trial Court shall dispose the suit within a period of six months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is allowed in the above terms and directions. No costs. Consequently connected Miscellaneous Petition is closed.

**29.08.2025**

**NCC : Yes/No**

**Index : Yes/No**

**RR**

**TO**

1.The I Additional Subordinate Judge, Trichy

2.VR Section

Madurai Bench of Madras High Court, Madurai.

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**M.DHANDAPANI,J**

**RR**

**ORDER  
IN  
CRP(MD) No.2240 of 2025**

**Date : 29/08/2025**