

C.R.P.(PD)(MD).No.3051 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.3051 of 2024
and CMP(MD).No.17360 of 2024

S.Chandran @ Nithya Sarvanantha Petitioner/Respondent
/Defendant

-VS-

A.Mahendran ...Respondent/Petitioner/Plaintiff

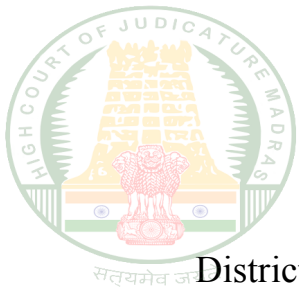
PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.2 of 2022 in O.S.No.208 of 2022 dated 15.09.2022 on the file of the Principal District Court, Karur and raise the interim order of attachment of properties passed on 15.09.2022 by allowing this appeal.

For Petitioner : Mrs.Lakshmi Gopinathan
For M/s.Polax Legal Solutions

For Respondent : Mr.V.Balaji

ORDER

The defendant in O.S.No.208 of 2022 on the file of the Principal



C.R.P.(PD)(MD).No.3051 of 2024

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District Court, Karur has filed the above civil revision petition challenging an order passed by the trial Court wherein the trial Court has not raised the order of attachment after furnishing of security by the defendant.

2.A perusal of the records reveal that the said suit has been filed for the relief of recovery of money. Along with the suit, the plaintiff had filed I.A.No.2 of 2022 seeking attachment before judgement of six items of property. The defendant was called upon to furnish security. Since the defendant has neither furnished nor given any explanation, an interim order of attachment was passed on 17.08.2022 with regard to Item Nos. 1 to 5. As far as the 6th respondent is concerned, it was dismissed for default on the ground of non-payment of attachment batta. Thereafter, the defendant has furnished security under Form-VI. The Court has proceeded to pass an order on 15.09.2022 closing the application for attachment before judgment.

3.It is the grievance of the defendant that after closing Attachment Before Judgment (ABJ) application, the Court has not intimated the concerned Sub Registrar Office to raise the order of attachment.



C.R.P.(PD)(MD).No.3051 of 2024

WEB COPY

4.The learned counsel for the respondent/plaintiff had contended that after furnishing of security, the defendant has to file an independent application under Order 38 Rule 9 of C.P.C to raise the order of attachment.

5.Heard both sides and perused the material records.

6.It could be seen from the records that the interim order of attachment passed by the trial Court on 17.08.2022 with regard to Item Nos. 1 to 5 was intimated to the concerned Sub Registrar Office on 17.08.2022. After security was furnished by the defendant, the trial Court has closed ABJ application. However, the same has not been intimated to the concerned Sub Registrar Office for raising the order of attachment.

7.There shall be a direction to the trial Court to take immediate steps to send intimation to the concerned Sub Registrar Office for deleting the order of interim attachment. The trial Court is directed to dispose of the suit on or before 31.10.2025.



C.R.P.(PD)(MD).No.3051 of 2024

8. With the above said observations, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The Principal District Judge
Karur

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD)(MD).No.3051 of 2024

R.VIJAYAKUMAR, J

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