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C.R.P.Nos.2012 & 2013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.Nos.2012 & 2013 of 2024

1.Gajendran
2.Thangavel

... Petitioner in C.R.P.No.2012 of 2024
... Petitioner in C.R.P.No.2013 of 2024

Vs.

Rajalingam

... Respondent in both CRPs

Prayer in C.R.P.No.2012 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above CRP by setting aside the Fair and Decreetal Order dated 28.03.2024 passed in I.A.No.2 of 2024 in O.S.No.32 of 2024 on the Sub-Court, Kangeyam, Tiruppur District.

Prayer in C.R.P.No.2013 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above CRP by setting aside the Fair and Decreetal Order dated 28.03.2024 passed in I.A.No.2 of 2024 in O.S.No.33 of 2024 on the Sub-Court, Kangeyam, Tiruppur District.

For Petitioner : Mr.K.Govi Ganesan
(in both CRPs)

For Respondent : Mr.N.Manoharan
(in both CRPs)



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COMMON ORDER

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These Civil Revision Petitions have been filed by two different plaintiff against the very same defendant seeking recovery of money based on the alleged execution of promissory notes by the defendant in favour of the respective plaintiff.

2. In both the suits, the defendant has denied the execution of the promissory note in favour of the plaintiffs. The written statement has already been filed by the defendant in both the suits. Under the impugned orders, both dated 28.03.2024 passed in the interlocutory applications filed by the plaintiffs in both suits, the said applications filed seeking attachment of the respective property of the defendant under Order 38 Rule 5 and 6 CPC have been dismissed by the trial court on the ground that the very execution of the promissory notes said to have been executed by the defendant in favour of the plaintiffs has been disputed and the petitioners have also not made a case for attachment of the respective properties in accordance with Order 38 Rule 5 and 6 CPC.

3. On the last hearing date, the learned counsel for the respondent raised a preliminary objection with regard to the maintainability of these



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civil revision petitions. According to him, being an appealable order, the petitioner ought to have filed an appeal as against the impugned orders, but instead has chosen to file a civil revision petition, which is not maintainable. However, today, learned counsel for the petitioners has placed before this Court a decision of the Division Bench of this Court, dated 24.07.2000 in the case of ***R.S.Pillai Vs. M.L.Peratchi @ Selvi & 10 Ors.*** reported in ***2000 (IV) CTC 543*** in respect of his contention that these civil revision petitions are maintainable.

4. As seen from the said decision, it is clear that as against the order dismissing the application filed under Order 38 Rule 5 of the CPC, a civil revision petition is maintainable. The copy of the said decision was also handed over by the learned counsel for the respondent, who also agrees now that these civil revision petitions are maintainable.

5. With regard to the merits of the matter, this Court finds that the trial court has rightly dismissed the applications filed by the petitioners seeking attachment of the respective properties under Order 38 Rule 5 and 6 CPC, in view of the fact that the respondent has denied the execution of the promissory notes and in view of the fact that the



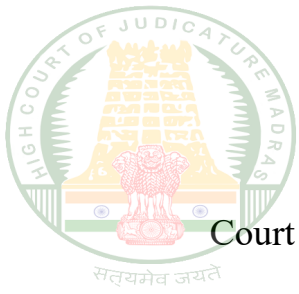
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petitioners have not satisfied with the ingredients of Order 38 Rule 5 and 6 CPC for getting an order of attachment.

6. Learned counsel for the respondent, on instructions, would submit that till date, the properties, which were sought to be attached by the petitioners through the interlocutory applications filed before the trial court are yet to be alienated by the respondent/defendant. This makes it clear that the apprehension of the petitioners as raised in the affidavits filed in support of the respective interlocutory applications filed before the trial court were uncalled for. The trial court has rightly rejected the interlocutory applications filed by the petitioners under the impugned orders.

7. Learned counsel for the petitioners would submit that the suits are of the year 2024 and the same are still pending and being a money suit, a direction may be issued to the trial court to dispose of the suits, within a time frame to be fixed by this Court.

8. Admittedly, pleadings are complete in both the suits and issues have already been framed. Therefore, there is no impediment for this



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Court to direct the trial court to dispose of both the suits, within a time frame to be fixed by this Court, after conducting the trial. This Court is not expressing any opinion on the merits of the respective contentions in these civil revision petitions.

9. Accordingly, these Civil Revision Petitions are disposed of by directing the trial court, namely the Sub Court, Kangeyam, Tiruppur District, to dispose of the suits in O.S.Nos.32 and 33 of 2024, within a period of six (6) months from the date of receipt of a copy of this order.

No costs.

10.06.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

The Sub Court,
Kangeyam, Tiruppur District.



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ABDUL QUDDHOSE, J.

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