



WEB COPY

CMP No. 5325 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 5325 of 2026

in

CMA SR.No.72412 of 2025

S.Vijayalakshmi

..Appellant(s)

Vs

1. M/s.Everest Finance
Rep. by P.Jayaraja,
S/o. N.Palanisamy,
Prop Office at D.No.83,
Muniappan Koil Thottam,
Thondikaradu,
Seetharamapalayam Post,
Tiruchengode,
Namakkal 637 209.
2. M/s.Blue Supplie
Rep. by its Managing Partners,
(i) C.S. Suresh Arumugam,
(ii) K.J. Sri Krishnaraj and
(iii) Balachandran
Having office at No.5,
Sri Balaji Nagar,
Athipalayam Pirivu,
Near Parasakthi Nagar,
Ganapathy Post,
Coimbatore 641 006.

..Respondent(s)

To grant leave to the petitioner to file the above Civil
Miscellaneous Appeal against the docket order dated 06.07.2022 made in



I.A.No.1 of 2021 in C.O.S.No.27 of 2021 passed by the Commercial Court,
Principal District Court at Namakkal.

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For Appellant(s): Mr.K.Vijayaraghavan
for Mr.A.B.Rajasekaran

ORDER

(Order of the Court was made by C.V.Karthikeyan, J.)

This petition has been filed seeking leave to file an Appeal against the docket order dated 06.07.2022, passed in I.A.No.1 of 2021 in C.O.S.No.27 of 2021, by the Commercial Court, Principal District Court at Namakkal.

2.The learned counsel for the petitioner claims that the petitioner is a third party to the suit proceedings and that her property had been subjected to attachment in a petition filed under Order XXXVIII Rule 4 CPC. As a matter of fact, the order now which is complained dated 06.07.2022 is only making the attachment absolute. The earlier attachment order dated 01.11.2021 was a docket order and the said earlier attachment was not challenged by the petitioner herein. Even otherwise, the petitioner ought to have approached the Trial Court seeking to raise the attachment by placing necessary grounds to convince the Court to lift the order of attachment. Without following the said procedure, filing an Appeal cannot be encouraged by this Court.



3. The petition seeking leave is dismissed granting right to the petitioner to approach the Trial Court seeking appropriate relief.

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(C.V.K.,J.) (K.R.S.,J.)
06-03-2026

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To

The Commercial Court,
Principal District Court at Namakkal.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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