Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 3409 of 2025
and
CMP No. 18616 of 2025

Case QR

CNR:{HCMA011650402025}

1.K. Dhandapani.

2.J. Rameshkumar

..Petitioners

Vs

1.Major K. Kamalanathan

2.P. Amuthakamalanathan

..Respondents

PRAYER: This Civil Revision Petition field under Article 227 of the Constitution of India praying to set aside the Fair and Final Order dated 01.03.2025 made in I.A.No.1 of 2024 in O.S.No.427 of 2024 on the file of I Additional District Judge, Coimbatore.

For Petitioners: Mr. S.Mukunth, Senior Counsel for Mr.Krishnakumar.N

For Respondents: Mr. P.Saravana Sowmiyan

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ORDER

This Civil Revision Petition has been field under Article 227 of the Constitution of India against the fair and decretal Order dated 01.03.2025 passed in I.A.No.1 of 2024 in O.S.No.427 of 2024 on the file of I Additional District Judge, Coimbatore, wherein the application filed by the petitioners/plaintiffs under Order XXXVIII Rule 5 of Civil Procedure Code to direct the defendants to furnish security and on default to attach the property, came to be dismissed by the Court below on the ground that the defendants have already settled the property in favour of their sons.

2. Heard the learned counsel appearing on either side, perused the materials available on record and carefully gone through the order passed by the Court below.

3. The petitioners filed the suit in O.S.No.427 of 2024 seeking for the relief of recovery of money. Pending the suit, I.A.No.1 of 2024 was filed under Order XXXVIII Rule 5 of CPC for attachment before judgment on the ground that hasty steps are being taken by the defendants to alienate the property and that is the only security that is available for the plaintiffs to ultimately execute the decree if in case, a decree is passed in their favour.

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3. The Court below has dismissed the application only on the ground that the defendants have settled the property in favour of their sons and therefore the property cannot be attached.

4. In the considered view of this Court, the order passed by the Court below can be modified and the sons of the defendants in whose favour the property has been settled, shall not encumber or alienate the property till the disposal of the suit. This will sufficiently take care of the interest of the petitioners/plaintiffs.

5. In result, this Civil Revision Petition is disposed of in the above terms and there shall be a direction to I Additional District Judge, Coimbatore, to dispose of the suit in O.S.No.427 of 2024 within a period of **six (6)** months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

05-11-2026

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

ksk

To
I Additional District Judge, Coimbatore

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