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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.7020 of 2026
and
C.M.P.No.30197 of 2026

Case QR

CNR: {HCMA012672352026}

K.Mariyappan

..Petitioner

Vs

1. S.Rooso

2. Axis Bank Limited
   represented by its Authorised Officer,
   Legal and Support Team,
   2nd Floor, Door No.31,
   Old No.14, South Mada Street,
   Mylapore, Chennai - 600 004.

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to number I.A.(C.F.R) No.2443 of 2026 in O.S.No.344 of 2025 on the file of the Additional District Judge, Kancheepuram.

For Petitioner : Mr.B.Kumarasamy
for Mr.R.Gokulakrishnan

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India aggrieved by the docket order dated 30.10.2026 passed by the Court below returning the application filed by the petitioner/plaintiff to advance the hearing and to take up the application filed by the

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petitioner/plaintiff to direct the Garnishee Bank to deposit the surplus amount after adjusting the amount that is due and payable to the bank by the first respondent/defendant.

2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

3. The petitioner is the plaintiff, who filed the suit in O.S.No.344 of 2025 seeking the relief of recovery of money to the tune of Rs.1 crore along with interest. The petitioner/plaintiff filed I.A.No.3 of 2026 in O.S.No.344 of 2025 under Order XXXVIII Rule 5 CPC seeking attachment before judgment of the immovable properties on the failure on the part of the first respondent/defendant to furnish security. While so, the Axis Bank Limited initiated proceedings for recovery against the first respondent/defendant and also brought the property for auction sale. On coming to know about this development, the petitioner/plaintiff filed an application by adding the Bank as the second respondent and for a direction to the Garnishee Bank to furnish accounts of the auction sale proceeds and the amounts appropriated towards secured debts and for depositing the surplus amount remaining in its custody. Since the suit was adjourned to the month of November'2026, another application was filed for advancing the hearing considering the urgency involved. The Court below returned the application through a docket order dated 30.10.2026 and the application filed by

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the petitioner/plaintiff was not considered. Aggrieved by the same, the present revision has been filed.

4. In the considered view of this Court, the Court below ought to have dealt with the application filed by the petitioner/plaintiff on merits and in accordance with law. According to the petitioner/plaintiff, if there is any excess amount available after defraying the secured debts of the bank, the law permits the said amount to be deposited and it can be retained as a security to enable the petitioner/plaintiff to ultimately recover the amount if they succeed in the suit.

5. In view of the above, there shall be a direction to the Additional District Court, Kanchipuram, to take up the application on file, number the same and pass orders after affording opportunity to both sides on its own merits and in accordance with law within a period of four (4) weeks from the date of numbering the application.

This civil revision petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

10-11-2026

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

To

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The Additional District Judge,
Kancheepuram.

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N.ANAND VENKATESH, J.

gm

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