



C.R.P. (MD) No. 286 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 286 of 2023

and

C.M.P. (MD) No. 1368 of 2023

Anantharaj

... Petitioner

Vs.

Manimegalai

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the order dated 23.11.2022 passed in I.A. No. 175 of 2021 in O.S. No. 155 of 2021 on the file of the Additional District and Sessions Court, Palani.

For Petitioner : Mr. S.C.Herold Singh

For Respondent : Mr. D.Venkatesh

ORDER

This Civil Revision Petition challenges the order dated 23.11.2022 passed in I.A. No. 175 of 2021 in O.S. No. 155 of 2021 on the file of the Additional District and Sessions Court, Palani (hereinafter referred to as the



'Trial Court' for short). The parties are hereinafter referred to as their description in the suit in O.S. No. 155 of 2021 before the Trial Court for the sake of clarity and convenience.

2. Heard Mr. S.C. Herold Singh, Learned Counsel for the Petitioner and Mr. D. Venkatesh, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

3. The suit in O.S. No. 155 of 2021 has been filed by the Plaintiff for recovery of a sum of Rs.10,00,000/- with interest. According to the Plaintiff, the petition for attachment before judgment was filed on 10.05.2021 and the said application was dismissed on 23.11.2022 recording the statement of the Defendant from his counter that the property was sold on 27.10.2021 after filing of the suit.

4. This is obviously erroneous and unsustainable, as the sale has taken place *lis pendens* and the sale cannot prejudice the rights of the Plaintiff in respect of the property. In such circumstances, the impugned order is set aside and the matter is remanded back to the Trial Court to be decided afresh on merits and in accordance with law.



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5. In that view of the matter, this Civil Revision Petition is ordered on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
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To

1. The Additional District and Sessions Court, Palani.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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