



C.R.P. (MD) No. 3194 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3194 of 2023

and

C.M.P.(MD)Nos.16449 and 16450 of 2023

M.Kumaresan

... Petitioner

Vs.

M.Subramani

...Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the records and set aside the order of the fair and decreetal order dated 23.08.2023 made in I.A.No.444 of 2022 in O.S.No.408 of 2022 on the file of the Sub-Court, Oddanchatram.

For Petitioner
For Respondent

:Mr. H.Lakshmi Shankar
:Mr. S.Karthik

ORDER

This Civil Revision Petition invoking Article 227 of the Constitution of India, 1950, has been filed challenging the order dated 23.08.2023 made in I.A. No.444 of 2022 in O.S.No.408 of 2022 on the file of the Subordinate Court, Oddanchatram (hereinafter referred to as the 'Trial Court' for short). The parties



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are hereinafter referred to as per their description in the suit in O.S.No.408 of 2022 before the Trial Court for the sake of clarity and convenience.

2.Heard Mr.H.Lakshmi Shankar, learned Counsel for the plaintiff and Mr.S.Karthik, learned Counsel for the defendant and perused the materials placed on record, apart from the pleadings of the parties.

3.Before the Trial Court, after the plaintiff had filed an application for attachment before judgment, the defendant had produced the Encumbrance Certificate. The Trial Court mistakenly took into consideration that the property is not belonging to the defendant and the said property has been alienated by the plaintiff and application filed by the plaintiff for attachment of the property before the judgment has been dismissed. The said order is under challenge in the present Civil Revision Petition.

4.It is not in dispute that the suit property does not belong to the defendant at all. However, it is contended by the learned Counsel appearing for the plaintiff that another property belonging to the defendant, which has been sought to be attached has been alienated after filing of the application for attachment before judgment and the matter requires consideration. Hence, the



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impugned order dated 23.08.2023 made in I.A.No.444 of 2022 in O.S. No. 408 of 2022 on the file of the Sub-court, Oddanchatram is set aside and the matter is restored to the file of the Trial Court and the Trial Court shall decide the matter afresh on merits and in accordance with law.

5.In the result, the Civil Revision Petition is disposed of with the clarification that the Trial Court shall not be inhibited or influenced by the impugned order and shall also decide the matter afresh on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

21.01.2026

Index : Yes/No

NCC : Yes/No

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To:-

- 1.The Sub Court, Oddanchatram.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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