

WEB COPY

CRP No. 1762 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1762 of 2025

AND

CMP NO. 10156 OF 2025

1. Su.Sabanayagam
S/o. Sundaram, D.No. 19/2-101,
Vasanthanilayam, Veerakaran Koil
Street, Reddiyur, Salem 636 016

Petitioner(s)

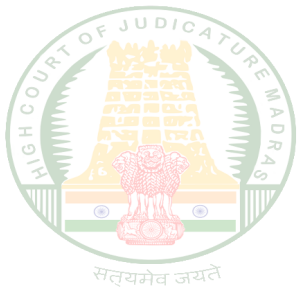
Vs

1. K. Selvaraj
S/o. Karuppusamy, Door No. 206,
Mathaiyan Kadu, Bye-Pass Road, Jari
Kondalampatty, Salem 636 010

Respondent(s)

PRAYER

The civil revision petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dt. 08.01.2025 made in I.A.No. 1 of 2020 in OS No. 104 of 2020 passed by the III Additional District Judge, Salem, Salem District.



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For Petitioner(s): Mr.M.R. Jothimanian

For Respondent(s): Mr.T.Shanmugam

ORDER

The plaintiff aggrieved by the dismissal of an application for attachment before the judgement under Order 38 Rule 5 of the Code of Civil Procedure is the revision petitioner.

2.Mr M.R. Jothimanian, learned counsel for the petitioner, states that pending the suit, the respondent is attempting to defray the assets in order to defeat the legitimate claims of the revision petitioner. The learned counsel would take me through the averments in Para Nos. 9 & 10 of the affidavit in support of the application under Order 38 Rule 5 and contend that the petitioner has made out a case for at least the grant of security being furnished in terms of Order 38 Rule 5 of the CPC.

3.However, the learned counsel for the respondent/defendant would submit that no amount is due and payable to the plaintiffs, and the defendant has very fair chances of success in the suit claim.

4.It is seen from the counter affidavit filed by the respondent in the



application for attachment before judgement, that the respondent has stated that

he is not attempting to alienate or encumber the petition-mentioned property in order to cheat the plaintiff over the suit claim, and therefore, considering that the respondent has stated that he does not intend to alienate or encumber the property, the said statement can be recorded to protect the interest of the plaintiff, pending disposal of the suit.

5. In view of the above, the civil revision petition is **disposed of** by recording the statement of the respondent that he is not attempting to alienate or encumber the petition-mentioned property. This statement is recorded, and it will have force in the disposal of the suit. Considering that the suit is of the year 2020, a direction is issued to the III Additional District Judge, Salem, to dispose of the suit on merits in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

08-08-2025

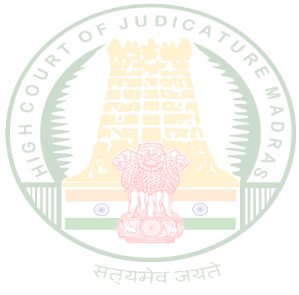
jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI J.

jrs

To

The III Additional District Judge, Salem.

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