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C.R.P.No.2721 of 2023

C.R.P.No.2721 of 2023
and
C.M.P.No.16806 of 2023

V.BHAVANI SUBBAROYAN, J.

This above civil revision petition is filed to set aside the Fair and Decretal Order dated 26.04.2023 passed in I.A.No.3 of 2020 in C.O.S.No.49 of 2020 on the file of Principal District Court, Namakkal and pass orders.

2. The learned counsel for the petitioner submitted that pending the above suit, the respondent filed an application in I.A.No. 03 of 2020 in C.O.S No. 49 of 2020 under Order 38 Rule 5 of CPC for attachment of the subject property and the learned Judge without hearing the learned counsel appearing for the petitioner allowed the above I.A, which has given rise to this petition.

3. The grievance of the petitioner is that the the property in dispute has already been mortgaged by the petitioner in the year 2012 itself with the Union Bank of India and the learned Judge has not taken note of the same. He further submitted that the respondent herein had not sought for furnishing any security prior to attachment and straightaway sought for attaching the property.



C.R.P.No.2721 of 2023

WEB COPY

4. In view of the above, it is made clear, that the petitioner had made out a *Prima facie* case for grant of interim stay. Hence there shall be an order of interim stay until further orders.

5. Notice to the respondents returnable by 05.09.2023. Private Notice is also permitted. Post the matter on 05.09.2023.

09.08.2023

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