

S.A.(MD).No.843 of 2007

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

S.A.(MD).No.843 of 2007

Raveendran Nair
S/o. Madhavan Nair Pangaja Vilasam
T.C.24/1172
Jothipuram Valiasalai Salai Post
Chenganacheri Village
Tirvandrum.

: Appellant

Vs.

Pushpavathi
W/o. Kuttappan Nair
Ayacode Melaveedu
Cheruppalur Post
Arukarai Village
Kalkulam Tk
Kanyakumari District

: Respondent

PRAYER: To prefer this Memorandum of Grounds of SA against the Judgment and decree dt.25.10.2005 and made in AS.121/2004 on the file of the I Addl. Sub Judge, Nagercoil (Camp at Padmanabhapuram), reversing the Judgment and decree and decree dated 28.6.2004 and made in OS.239/2004 on the file of the Principal District Munsif Court, Padmanabhapuram.



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S.A.(MD).No.843 of 2007

For Appellant : Mr.G. Sridharan
For Respondent : Mr.V.M.Balamohanthambi

J U D G M E N T

When the matter was taken up for hearing today, the memo filed by the appellant was placed before this Court and for proper appreciation, the same is extracted hereunder:

“It is submitted that as per the order of this Hon'ble Court dated 10.04.2026, the appellant had deposited the entire balance of decretal amount of Rs.2,75,000/- to the credit of suit in O.S.No.239 of 2004 on the file of the District Munsif, Padmanabhapuram, on 15.04.2026 vide E Challan number 20260415013039 and filing the receipt in proof of the same.

It is therefore prayed that this Hon'ble Court may be pleased to pass an order raising the order of attachment before judgment made in I.A.No.361 of 2000 in O.S.No. 180 of 2000 on the file of the Sub Court, Padmanabhapuram and the suit which was later transferred and renumbered as O.S.No.239 of 2004 on the file of the



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S.A.(MD).No.843 of 2007

District Munsif, Padmanabhapuram and further pleased to permit the appellant to communicate the order of raising attachment to the Sub Registrar, Thiruvattar Sub Registrar's office to make necessary entry in the encumbrance certificate with regard to the subject property and thus render justice.”

2. The suit was originally numbered as O.S.No.180 of 2000 and the order of attachment before judgment was passed in I.A.No.361 of 2000 by Sub Court, Padmanabhapuram. Later, the suit has been transferred to the file of the District Munsif, Padmanabhapuram and it was re-numbered as O.S.No.239 of 2004. Hence, it is submitted that the entire balance decretal amount along with interest has been deposited to the credit of O.S.No.239 of 2004 on 15.04.2026. The E-challan has also been filed along with memo. Already an interim order was passed by this Court on 17.09.2007 in M.P.(MD) No.1 of 2007 granting interim stay on the condition that the appellant should deposit 50% of the suit amount to the credit of O.S.No.239 of 2004 and the learned counsel submitted that



S.A.(MD).No.843 of 2007

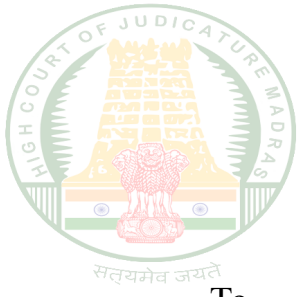
this order has already been complied with and that the balance amount has now been deposited along with interest.

3. In the light of the above development, the interest of the respondent is totally secured and it is not necessary to continue the order of attachment as against the property. Hence, the attachment of the property pursuant to the order of attachment before judgment made in I.A.No.361 of 2000 is raised. Based on this order, necessary entry shall be made in encumbrance certificate by the Sub Registrar, Thiruvattar.

4. Post the second appeal for final hearing on 05.06.2026.

30.04.2026

Index : Yes/No
Internet : Yes/No
PKN



S.A.(MD).No.843 of 2007

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To

1. The Sub Registrar, Thiruvattar.
2. Addl. Sub Judge, Nagercoil (Camp at Padmanabhapuram).
3. Principal District Munsif Court, Padmanabhapuram.



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S.A.(MD).No.843 of 2007

N.ANAND VENKATESH, J

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Judgment made in
S.A.(MD).No.843 of 2007

Dated:30.04.2026