



C.M.P(MD)No.5155 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.P(MD) No. 5155 of 2026

in

C.M.A(MD) No.503 of 2026

A.Ramesh

: Petitioner

Vs

R.Sivakami

: Respondent

Prayer in CMP(MD)No.5155 of 2026 : This Civil Miscellaneous Petition filed under Section 151 of C.P.C. praying to grant an order of interim stay by suspending the operation of the fair and decreetal order passed in I.A.No.01 of 2025 in O.S.No.172 of 2025 dated 03.03.2026, on the file of the District and Sessions Judge, Karur.

Prayer in CMA(MD)No.503 of 2026 : This Civil Miscellaneous Appeal filed under Section 104 and Order 43 Rule 1 C.P.C. praying to call for the records of the trial Court and set aside the fair and decreetal order in I.A.No.01 of 2025 in O.S.No.172 of 2025, dated 03.03.2026, on the file of the District and Sessions Judge, Karur by dismissing the petition

For Petitioner : Mr.S.Arul Murugan



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ORDER

The above petition has been filed to stay the fair and decreetal order dated 03.03.2026 passed in I.A.No.1 of 2025 in O.S.No.172 of 2025 on the file of the District and Sessions Court, Karur.

2. Heard the learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner would submit that neither the respondent has stated nor the Court has observed that the petitioner with intent to obstruct or delay the execution of decree that may be passed against him, has been attempting to dispose of the whole or any part of the properties; that the learned District and Sessions Judge, after enquiry, without directing the petitioner to furnish security, has passed an order directly attaching the properties and that the petitioner is ready to furnish security for the suit claim before the concerned Court.

4. It is pertinent to note that if an order of attachment is made without complying with the provisions of sub-rule (1) of Rule 5 of Order 38 C.P.C., such attachment shall be void.

5. Issue notice to the respondent returnable by 03.06.2026. Private notice is also permitted.



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6. Considering the above, there shall be an order of interim stay on condition that the petitioner has to furnish security for the suit claim before the trial Court on or before 03.06.2026, failing which, the interim order granted shall stand vacated automatically without any further reference to this Court.

21.04.2026

das

To

1.The District and Sessions Judge,
Karur.