



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fifteenth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRP(MD) No.2266 of 2022

and

CMP(MD)No. 10629 of 2022

D.VIJAYARAJA

... PETITIONER/3rd RESPONDENT/3rd DEFENDANT
Vs

1 J.SELVAKUMAR

...RESPONDENT/PETITIONER/PLAINTIFF

V.DURAIPANDIAN (DIED),

2 D.PAPPA@ILANKATHA

3 D.VIJAYAPANDI

...RESPONDENTS 2 & 3/DEFENDANTS 2 & 3

(RESPONDENTS 2 AND 3 SET EXPARTE BEFORE
TRAIL COURT AND MAY BE GIVEN UP)

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to call for the records and set aside the order passed by the I Additional District Court, Tirunelveli dated 28/07/2022 in I.A.No. 3 of 2022 in O.S.No. 160 of 2017 by allowing this Civil Revision Petition and allow.

Prayer in CMP(MD)No. 10629/ 2022 :

To grant an order of interim stay all further proceedings in pursuance to the order passed by the Learned I Additional District Court, Tirunelveli dated 28/07/2022 in I.A.No. 3 of 2022 in O.S.No. 160 of 2017, pending disposal of the main civil revision petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S R.RAJAMOCHAN, Advocate for the petitioner, the court made the following order:-

This revision petition is filed as against the order of attachment.

2.The respondent / plaintiff has filed a suit in O.S.160 of 2017 before the I Additional District Court, Tirunelveli, for recovery of money. He has also filed an interlocutory application in I.A.No. 3 of 2022 under Order 39 Rule 5 CPC to attach the



petitioner's property. The trial Court, by order dated 28.11.2022, allowed the said application and challenging the same, the petitioner has moved the instant revision petition.

3. Learned Counsel for the petitioner submitted that the respondent / plaintiff has not stated any reasons that warrant an order of attachment. The trial Court has also mechanically passed an order without asking for any security from the petitioner. If the property is attached, then it would create some encumbrance in the property. He further submitted that in order to avoid the same, the petitioner is willing to give the very same property as security till the disposal of the suit.

4. Issue notice to the respondents returnable in two weeks. Private notice is also permitted. Since the petitioner is willing to give the property as security under Order 39 Rule 6 CPC, there shall be an order of interim stay till then.

sd/-
15/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE I ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.

+1. C.C. to M/S R.RAJAMOHAN Advocate SR.No.13090(I)

ORDER
IN
CRP(MD) No.2266 of 2022
and
CMP(MD) No. 10629 of 2022
Date :15/11/2022

gk
PKP/VR/SAR-2/21.11.2022/2P/3C