

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.2767 of 2016

Sirsabesan

... Petitioner

Vs.

1. N.Rukmini
2. N.Anandan
3. N.Mahalingam
4. B.Rajeswari
5. D.Rajakumari

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 21.03.2016 in I.A.No.58 of 2016 in O.S.No.23 of 2016 on the file of the Sub Court, Pollachi.

For Petitioner : No appearance

For Respondents : Mr.C.Veeraraghavan

ORDER

This Civil Revision Petition is directed as against the order dated 21.03.2016 passed by the learned Sub Judge, Pollachi in I.A.No.58 of 2016 in O.S.No.23 of 2016, thereby dismissing the petition filed by the

petitioner for attachment before judgment.

2. The petitioner filed suit as against the respondents for recover of money. While pending the suit, the petitioner filed petition to attach the suit schedule property before judgment. The present suit has been filed on the strength of the pro-note, which was executed by the husband of the first respondent herein viz., Nataraj Gounder. During his life time, the said Nataraj Gounder executed a Will in favour of the sons of the fourth and fifth respondents herein. In respect of the first respondent, life interest alone was bequeathed by the deceased Nataraj Gounder. Therefore, in the suit schedule property, the first respondent has hold only enjoyment right. Further the sons of fourth and fifth respondents were not impleaded as parties to the suit proceedings. Considering the above facts and circumstances, the trial Court rightly dismissed the petition filed by the petitioner and this Court finds no illegality or infirmity in the order passed by the Court below.

3. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs.

29.01.2021

Internet : Yes

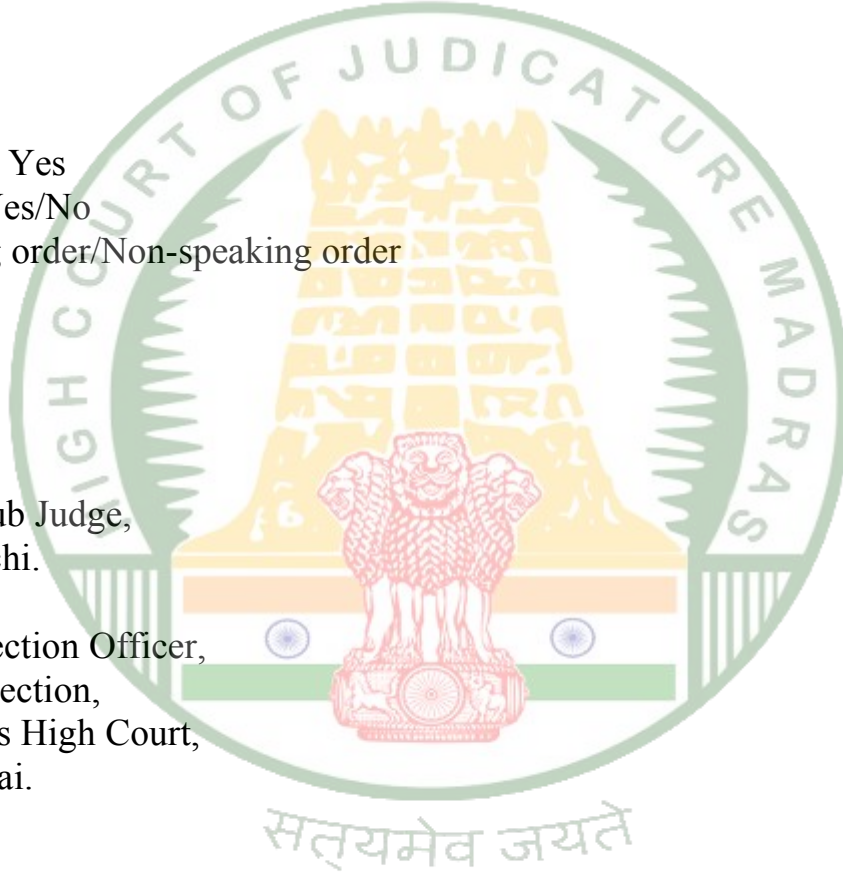
Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The Sub Judge,
Pollachi.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

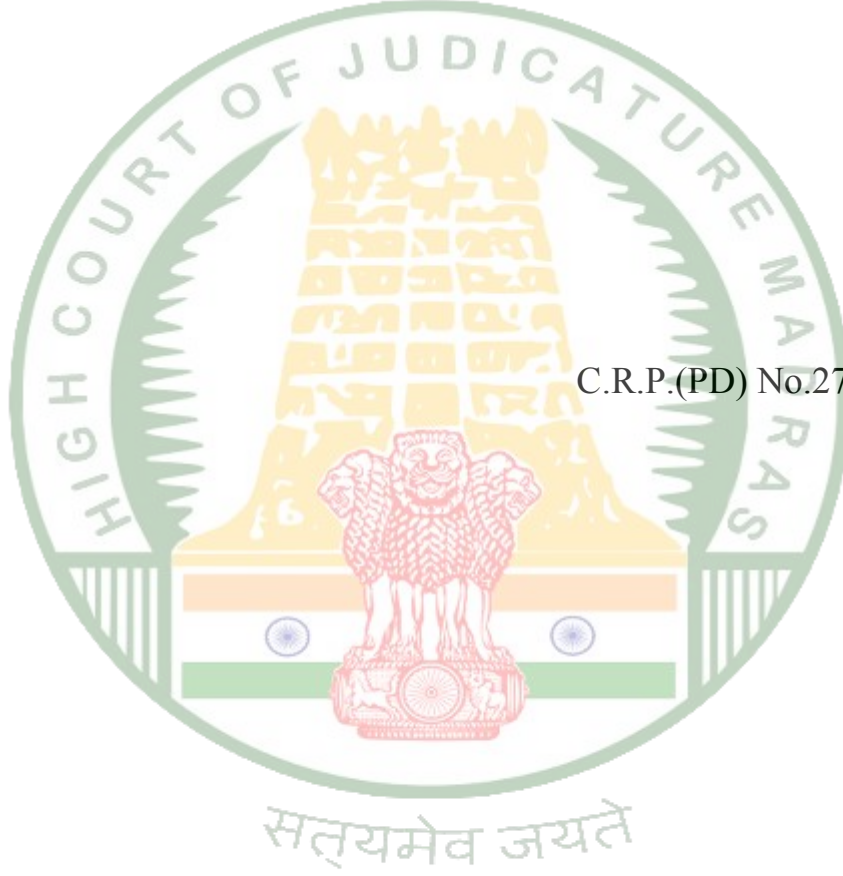


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G.K.ILANTHIRAIYAN, J.

rts



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