

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

FAO.No. 130 of 2015 ()

AGAINST THE ORDER IN I.A.26/2015 IN OS 1/2015 of I ADDL.SUB COURT,
KOZHIKODE DATED 29.05.2015

APPELLANT/RESPONDENT/DEFENDANT:

R.I.KANTH PROPERTIES PVT. LTD
REP. BY MANAGING DIRECTOR, P.S.NATRAJ, AGED 44 YEARS
SOUPERNIKA
PEOPLES ROAD, WEST HILL P.O., CALICUT - 673 005.

BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SRI.K.SANEESH KUMAR

RESPONDENT/PETITIONER/PLAINTIFF:

M/S. GULF ASIA CONTRACTING COMPANY PVT. LTD.,
BY ITS AUTHORIZED SIGNATORY MR.BINOJ GOPINATHAN
S/O.M.GOPINATHAN NAIR, RESIDING AT 31/1023 T, AMBADY
PLOT NO.9, RAIL NAGAR-I, VYITTTILA P.O.
ERNAKULAM - 682 019.

R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R1 BY ADV. SRI.P.GOPINATH

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
13.08.2015 ALONG WITH F.A.O.129/15, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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F.A.O.Nos.129 & 130 of 2015
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Dated this the 13th day of August, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

These matters are taken up today after repeated round of failed mediation. Heard the learned counsel for the parties.

2. These appeals arising from two different suits are filed by the defendant.

3. The plaintiff obtained an order of attachment before judgment of movable properties belonging to the defendant in both the suits. That order is under challenge.

4. After arguing the matter for some time, learned senior counsel for the appellant requested for an opportunity for his client to substitute the security by offering immovable property as security or any other form of security, subject to the satisfaction of the court below.

5. For the aforesaid reasons, these appeals are ordered directing that the appellant in both the appeals will be at liberty to offer security either by way of immovables or otherwise for the amount covered by the attachment orders which are appealed

against, provided that such security, as is offered, is to the satisfaction of the court below. We also clarify that any security offered by any other person on behalf of the appellant/defendant can also be accepted by the court below subject to being satisfied of the bonafides of the offer and also, as to the sufficiency of the security. If such security is accepted by the court below, it can vacate the impugned order of attachment of movables. This will be done within a period of two months from today.

These appeals are ordered accordingly.

Sd/-

THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

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