

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2015

CORAM

THE HONOURABLE MRS. JUSTICE S.VIMALA

C.S.No.514 of 2014 and
Application Nos.8467 and 8468 of 2014
& Application Nos.4975 & 4976 of 2014

Farida Begum Tazudeen ... Plaintiff

...Vs...

Dr.T.Arunkumar ... Defendant

PRAYER: Complaint under Order VII Rule 1 of O.S.Rules read with Order XXXVII Rule 1 of C.P.C. Praying to pass a judgment and decree against the defendant: (a) for Rs.1,23,48,128/-; (b) future damages for use and occupation plus Service Tax and TDS as applicable, from the date of complaint till realization and (c) award cost of the suit.

For Plaintiff : Mr. M.Balachandar
For Defendant : Mr. M.Mohammed Rafi

J U D G M E N T

This Civil Suit has been filed for recovery of arrears of rent to the tune of Rs.1,23,48,128/-.

2. A Memo has been filed by the defendant submitting

that the suit may be decreed as prayed for with costs. The Memo reads as under:

“The defendant submits to a decree and prays that the suit CS.No.514 of 2014 may be decreed as prayed for with costs.”

3. Application No.4975 of 2014 has been filed by the plaintiff seeking direction to the defendant to furnish security for the suit claim and in case of failure to pass an order of attachment before judgment of the movable hospital equipments and other movables belonging to the defendant, in the premises at Door No.32 Conronsmith Road, Gopalapuram, Chennai – 600 086.

3.1. Application No.4976 of 2014 has been filed by the plaintiff seeking direction to the defendant to furnish security for the suit claim and in case of failure to pass an order of attachment before judgment of the immovable property described in the schedule therein.

4. By a common order, dated 13.08.2014, the defendant was directed to furnish security within a period of two weeks, failing which the property relating to both the Applications were

ordered to be attached.

4.1. As the defendant did not furnish security, an order of attachment has been made, by the order, dated 11.11.2014.

4.2. At the time of effecting attachment, the defendant has issued two cheques for a sum of Rs.1,52,00,000/- and therefore, attachment was not effected. Later on, as the cheques were dishonoured, the plaintiff has filed an Application to issue fresh warrant of attachment in Application Nos.8467 of 2014 and 8468 of 2014, in respect of both movable and immovable properties.

4.3. There had been representation and assurance to make good the payment assured in the two cheques, referred to above, but as the assurance was not complied with, the Court has ordered issuance of fresh warrant of attachment.

4.4. The warrant of attachment, in respect of immovable property, has been issued and warrant has been executed and report has been filed to that effect, by the report, dated 10.03.2015.

5. As the defendant has submitted to decree and as there is no security furnished till date, the order of attachment already

made is hereby made absolute.

S.VIMALA. J.,

arr/ogy

5.1. The interim order of attachment issued in respect of movable property also is made absolute.

6. In the result, this Civil Suit is decreed as prayed for, with costs. The connected Applications stand closed.

24.03.2015

arr/ogy

C.S.No.514 of 2014 and
A.Nos.8467 and 8468 of 2014
& A.Nos.4975 & 4976 of 2014