

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.M.A.No.334 of 2016
and
C.M.P.No.2522 of 2016

K.Subramanian

... Appellant (Defendant)

Vs

Vetrivel Explosives Pvt. Ltd.,
Rep. By its Managing Director
Vijay Kannan, Door NO.135 F,
Kennedy Nagar, Salem 5
rep. By its Authorized signatory
R.Rajendran

... Respondent (Plaintiff)

Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C against the order and decretal order dated 12.01.2016 in I.A.No.523 of 2015 in O.S.No.301 of 2015 on the file of III Additional District Judge, Salem.

For appellant : Mr. Al.Ganthimathi

For respondent : Mr. R.Subramanian

JUDGMENT

Heard the learned counsel for the appellant and learned counsel for the respondent.

2. With consent of both sides, the main Civil Miscellaneous Appeal itself is disposed of, as the respondent has no objection for modifying the order dated 12.01.2016 in I.A.No.523 of 2015 in O.S.No.301 of 2015, based on the affidavit filed by the appellant and more particularly, paragraph No.5 therein, which is extracted hereunder :

" I submit that I undertake not to alienate the property, which is the subject matter of the application in I.A.No. 523 of 2015. Hence, I pray that this Court may be pleased to raise the attachment and thus render justice. Prima facie case and balance of

convenience are in favour of the petitioner. Hence, it is just and necessary that suitable interim orders may be granted."

3. In view of the undertaking affidavit filed, the impugned order dated 12.01.2016 is modified incorporating the undertaking and accordingly, the attachment is raised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

glp

To

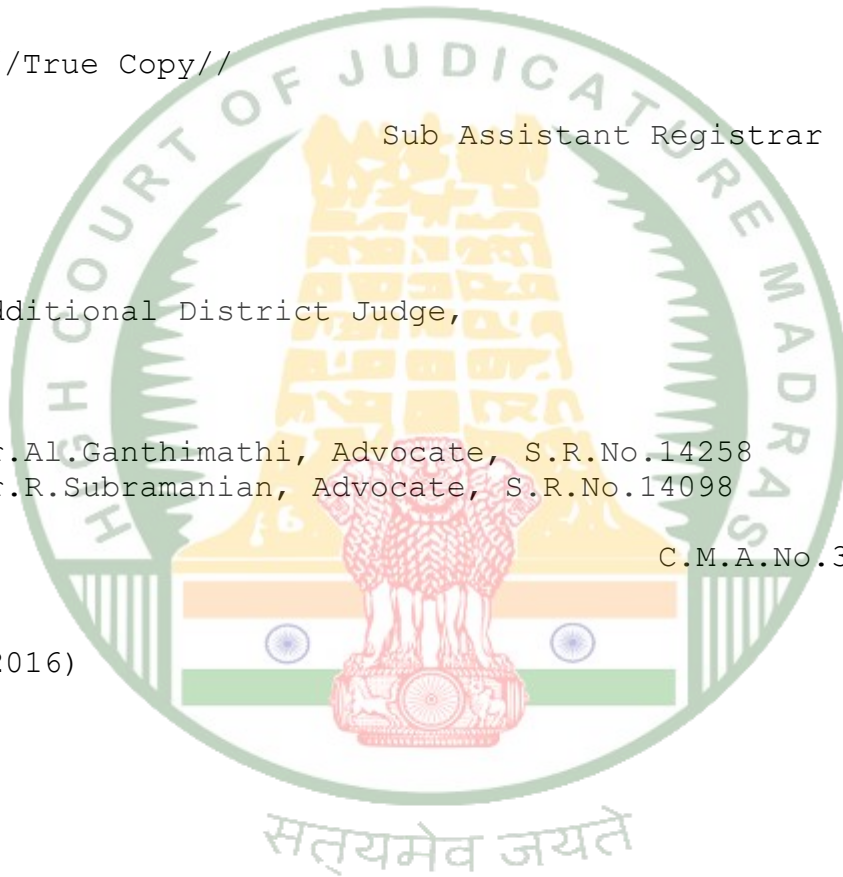
The III Additional District Judge,
Salem.

+1cc to Mr.Al.Ganthimathi, Advocate, S.R.No.14258

+1cc to Mr.R.Subramanian, Advocate, S.R.No.14098

C.M.A.No.334 of 2016

SV(CO)
CA(30/03/2016)



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