

**Application No.2674 of 2016
in C.S.No.315 of 2016**

M.M.SUNDRESH, J.

This application has been filed by the plaintiff to direct the respondent/defendant to furnish Bank Guarantee/security for Rs.1,17,13,361.17 sufficient to answer the suit claim pending disposal of the above suit, failing which attachment before judgment of the machineries at Survey No.258, Plot No.5 to 11, Village Shopar (Veravel), Gujarat-360002 by issue of precept to the Civil Judge, Rajkot, Gujarat.

2.The learned counsel appearing for the applicant submitted that as per the purchase order placed from Chennai, the respondent agreed to supply the machineries to the specification of the applicant. However, contrary to the agreement entered into, defective machineries have been supplied. He further submitted that though the respondent has received 90% of the invoice amount and despite the intimation given to the respondent to rectify the defects, the same has not been done. It is further submitted that in the event of suit being decreed, it may not be possible to get the fruits of the decree and therefore, a direction will have to be issued to furnish security for the suit claim of Rs.1,17,13,361.17.

M.M.SUNDRESH, J.

cse

3.Despite the notice having been served and name printed in the cause list, none appears on behalf of the respondent.

4.Considering the averments made in the affidavit filed in support of this application which are not controverted, the respondent is directed to furnish security to the extent of the suit claim of Rs.1,17,13,361.17 within a period of six weeks from today, failing which, an order of attachment as sought for by the applicant will follow.

Post the matter after six weeks.

22.08.2016

cse

**Application No.2674 of 2016
in C.S.No.315 of 2016**