

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Application Nos.4054 of 2011 and 172 of 2014

in

C.S.No.558 of 2011

1. Mahaveer Bhandari
2. Naveen Bhandari
3. Nitesh Bhandari
4. Lalitha Bhandari

...Applicants

Vs

1. T.M.A.Haja Moideen
2. T.M.A.Rahmat Nisa
3. T.M.A.Rasheeda Begum
4. T.M.A.Zubaidha Begum
5. A.S.Burhanuddin
6. Mohammed Anwar Batcha
7. Hajra Parveen

Respondents 5 to 7 brought on
record as the LR's of the deceased 4th respondent ...Respondents

Applications filed praying to direct the respondents / defendants to furnish adequate security for the suit claim of Rs.76,25,000/- failing which grant an order of attachment before judgment of the immovable property as described in the Judges summons and to grant an order of ad-interim injunction restraining the respondents/defendants their men,

agents or any other persons acting on behalf of the respondents from in any manner alienating the property morefully described in the schedule to the Judges Summons pending disposal of the suit.

For Applicants : Mr.S.Ambalavanan

For Defendants 1,3 & 4 : Mr.N.A.Nissar Ahmed

ORDER

In Application No.4054 of 2011, this Court has passed an order dated 05.09.2011 directing the respondents / defendants to furnish security for a sum of Rs.65,00,000/- (Rupees sixty five lakhs only) within a period of one week from the date of receipt of notice from this Court and in default to furnish security, further orders will be passed for attaching the property mentioned in the schedule.

2. However, it is stated that the respondents/defendants had not furnished the security. Therefore, the applicants / plaintiffs have taken out an application in O.A.No.172 of 2014 seeking an order of injunction restraining the respondents/defendants from alienating the property described in the Judges' Summons.

3. It is stated that the property is situate in Anna Salai. The learned counsel appearing for the respondents/defendants contended that the applicants/plaintiffs may have a first charge over the schedule property in the event of same being sold. Accordingly, the schedule mentioned property cannot be sold without discharging the debt of the plaintiff.

4. With the above observation, these applications are closed..
Post the suit after two weeks under the caption 'for framing issues'.

17.11.2016

srn

PUSHPA SATHYANARAYANA.J

srn

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