

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2016

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Application No.2096 of 2012

in

C.S.No.257 of 2012

S.Sundarapandian

.. Applicant/Plaintiff

Versus

1. S.Dhakshinamoorthy

2. Vasantha

3. Parimala

4. Minor Yazhini

.. Respondents/Defendants

Prayer: Application filed under Order XIV Rule 8 of the Original Side Rules read with Order XXXVIII Rule 5 of CPC praying to direct the respondents/defendants to furnish security to the suit claim of Rs.34,95,000/- and in default to pass an order of attachment before judgment of the schedule mentioned property.

For Applicant : Mr.V.G.Sureshkumar

For Respondents : No Appearance

ORDER

The above application is filed by the applicant / plaintiff seeking permission to the respondents/defendants to furnish the security to the suit claim of Rs.34,95,000/- and in default to attach the property mentioned in the Judge's summons.

2. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the respondents.

3. The suit is filed for recovery of sum of Rs.34,95,000/- with future interest and costs from and out of the estate of the deceased D.Kalyanasundaram.

4. When the matter was taken up for hearing on 01.11.2016, there was no representation for the respondents. Even today (02.11.2016), the learned counsel for the respondents is not present. It is pointed out by the learned counsel for the applicant / plaintiff in the counter affidavit filed by the learned counsel for the respondents, which has been stated in para 6, as follows:

"I submit that we do not have any intention to dispose of the property or will leave the jurisdictional limits of this Hon'ble Court. I hereby undertake for myself and on behalf of the other respondents / defendants that we will not alienate or encumber the property sought to attached and mentioned in the judges summons filed in support of Application No.2096 of 2012 till the disposal of the suit. Our above undertaking may be recorded and the application may be closed."

5. In view of the undertaking given by the learned counsel for the respondents/defendants, the application is closed.

02.11.2016

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PUSHPA SATHYANARAYANA, J.

srn

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