

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
and  
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.Nos.148 & 149 of 2008

P.T.Ummer Koya ... Appellant in both appeals

Vs

1. All India Chess Federation,  
(Regd. Society Regn No.125/58),  
rep. by its Hony. Secretary D.V.Sundar,  
Hall No.82, Jawaharlal Nehru Stadium,  
Chennai-600 003.

2. S.L.Harsh

3. P.K.Baskaran,  
All Kerala Chess Association,  
Tal Chess Academy Nallalam,  
Calicut - 673 027.

4. V.R.Bobba

5. K.P.Reetha,  
Branch Manager,  
Meenchanda Branch,  
State Bank of Travancore,  
Nallalam,  
Calicut - 673 027.

6. V.K.Rathi

7. State Bank of Travancore,  
rep. by its Managing Director,  
Thiruvananthapuram,  
Kerala State.

... Respondents in both appeals

Appeals filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order made in Applications 4472 and 4473 of 2007 in C.S.No.396 of 2007, dated 25.02.2008.

For Appellant : Mr.Rahul Balaji

For Respondent : Mr.Sivam Sivanandaraj for R1

### JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

It is agreed that the appeals be disposed of in terms of the interim order passed therein, whereby the attachment was lifted, but the undertaking of the appellant not to alienate the property pending appeals was recorded, with the modification that the said undertaking would be subject to the rights of the appellant to move the learned Single Judge for dealing with the suit property by showing special circumstances.

2. The appeals accordingly stand disposed of. No costs.

3. We are surprised to note that even the written statement has not been filed by some of the original defendants. In our view, it is travesty of justice. The learned Master to take up the matter and ensure the parties bring on record the written statement, if not already filed, and on completion of the pleadings, the suit be placed before the Court for settlement of Issues. This exercise be undertaken within a maximum period of three months from today.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To

The Sub Assistant Registrar,  
Original Side,  
High Court, Madras.

+1cc to Mr.Satish Parasaran, Advocate, S.R.No.31112  
+1cc to Mr.J.Sivanandaraaj , Advocate, S.R.No.30817

O.S.A.Nos.148 & 149 of 2008

ALA(CO)  
CA(23/06/2016)