

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2017

Coram:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
C.M.A.No.568 of 2015 &
M.P.No.1 of 2015

1.The Competent Authority and District Revenue Officer
Salem

2.The State Rep. by the Inspector of Police
Economic Offences wing II
Salem.

.... Appellants

v.

S.Prabha

.... Respondent

Appeal against the judgment and decree dated
18.04.2013 made in O.A.No.2 of 2011, passed by the Special
Judge under TNPID Act, Coimbatore.

For Appellants : Mr.T.Jayaramaraj
Govt. Advocate (C.S.)

For Respondent : No appearance

J U D G M E N T

Heard, Mr.T.Jayaramaraj, learned Government Advocate
appearing on behalf of the appellants. Though notice was
served on the respondent and her name has been printed in the
cause list, none appeared on her behalf.

2. Challenging the order passed in O.A.No.2 of 2011 on
the file of Special Judge under TNPID Act, Coimbatore, the
authorities have filed the above appeal.

3. The respondent filed an application in O.A.No.2 of
2011 before the Special Judge under TNPID Act, Coimbatore,
under section 7 of the Tamil Nadu Protection of Interests of
Depositors (In Financial Establishments) Act, 1997, to release
her property, which was attached as per G.O.Ms.No.713 of 2010,
dated 11.08.2010.

4.1 It is the case of the respondent that she along with one Rangasamy had jointly purchased the property mentioned in the petition in S.F.No.233/1B1A on 15.05.2007. According to the respondent, she purchased the property along with the said Rangasamy by utilising the gifts made by her father at the time of her marriage. The respondent is entitled to half share in the said property.

4.2 It is also the case of the respondent that she is no way concerned or connected with the business of her father-in-law, viz., Gopal. The respondent was neither a partner nor had shown any interest in the finance business run by her father-in-law. The property was purchased by her out of Sridhana funds provided by her father.

4.3 By G.O.Ms.No.713 of 2010, dated 11.08.2010, the Secretary to Government of Tamil Nadu, in exercise of power conferred under section 3 of the TNPID Act, attached the property of the respondent. The respondent has filed an application before the TNPID Court to raise the order of attachment stating that she is not having any connection with the finance company. The other co-sharer, viz., Ransasamy, was a partner of the finance company. The property was purchased by the respondent as early as on 15.05.2007 along with Rangasamy.

4.4 The contention of the respondent was that her property cannot be attached for the reason that she was not having any connection with the finance business of her father-in-law.

5. The appellants filed their counter before the TNPID Court wherein they have disputed the case of the respondent.

6. The court below, taking into consideration the case of both the parties allowed the application in part by raising the attachment in respect of the property purchased by the respondent under the sale deed dated 15.05.2007.

7. Admittedly, the respondent has got half share in the property purchased on 15.05.2007. The other half share belongs to Rangasamy, who is a partner in the finance company. When the respondent had established that the property was purchased as early as on 15.05.2007 and that she was no way connected with the business of her father-in-law, viz., Gopal, in the finance business, her property cannot be attached. The respondent has specifically contended that she purchased the property out of Sridana funds provided by her father. Therefore, the court below, taking into consideration all these aspects, rightly raised the attachment in respect of the property purchased by the respondent on 15.05.2007. The court below also rightly confirmed the attachment made in respect of the other half share of the property standing in the name of Rangasamy, who is a partner in the finance company.

8. In these circumstances, I do not find any error or irregularity in the order passed by the Special Judge. The Civil Miscellaneous Appeal is liable to be dismissed. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Rj

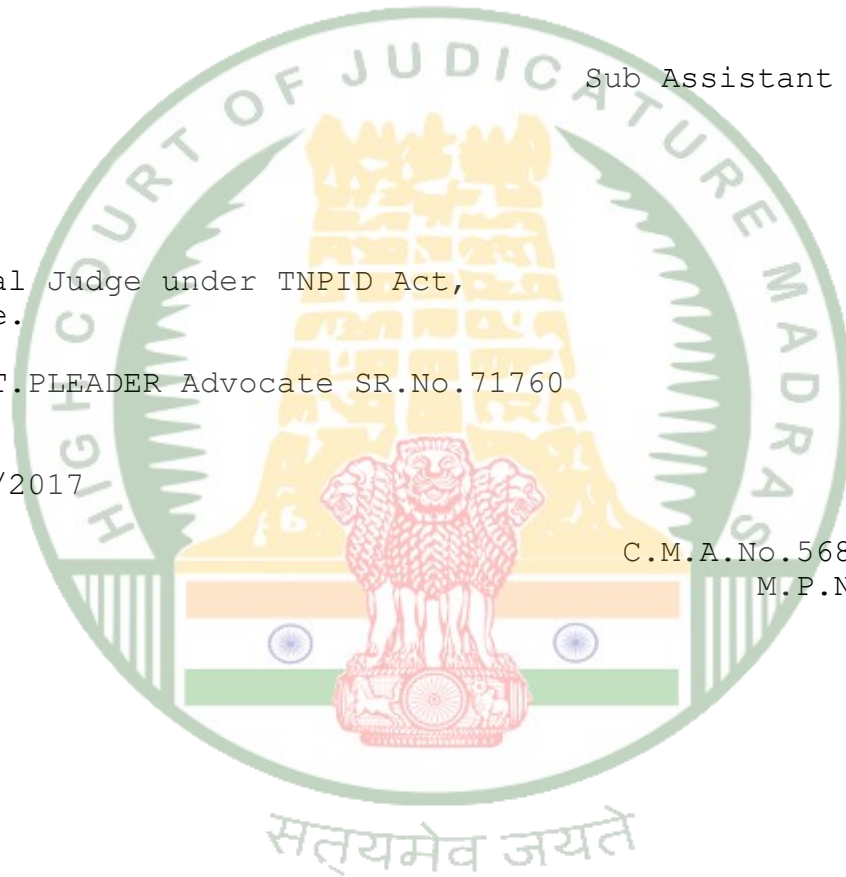
To

The Special Judge under TNPID Act,
Coimbatore.

+1 CC GOVT.PLEADER Advocate SR.No.71760

PPA(CO)
EGR 14/11/2017

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