IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HONOURABLE MR. JUSTICE **R.SUBRAMANIAN**

C.M.A.No.2706 of 2013
M.P.No.1 of 2013

1. M/s. Karthick Engineering work,
rep by its sole proprietary concern,
Mrs.Kavitha, W/o.Kaliappan,
Sathy Road, Pasur, Coimbatore.

2. M. Kaliappan

.. Appellants

.. Vs..

L.G.Balakrishnan and Bros Ltd,
Rep by its Authorized Signatory
Jeyarama Chandar,
S/o. K. Manickam,
6/16/13, Krishnarayapuram Road,
Ganapathy,
Coimbatore.

.. Respondent

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PRAYER:- Appeal filed under Order 43 Rule 1 (Q) of the Code of Civil Procedure, 1908 to set aside the fair and final order dated 14.03.2013 in I.A. No.603 of 2012 in O.S. No.65 of 2012 and the consequential attachment dated 27.06.2013 on the file of the III Additional District and Sessions Judge, Coimbatore.

http://www.judis.nic.in

For Appellants : Mr.A.Thiyagarajan

For Respondent : M/s.P.T.Asha,
for Sarvabhauman Associates.

JUDGEMENT

This appeal is directed against an order of attachment made in I.A. No.603 of 2012 in O.S. No.65 of 2012 dated 27.06.2013 on the file of the III Additional District and Sessions Judge, Coimbatore.

2.Though several grounds have been urged, the second appellant whose property was sought to be attached, has filed an affidavit undertaking not to alienate the property till the disposal of the suit. In "paragraph No.7" of the affidavit reads as follows:

> *"7. I submit that I am in possession and enjoyment of the petition mentioned property as owner. I hereby assure that I will not alienate or encumber petition mentioned properties till the disposal of the suit in O.S. No.65 of 2012 on the file of III Additional District Judge, Coimbatore. I request that this undertaking may be kindly accepted by this Hon'ble Court".*

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3.In view of the same, the claim of the respondent/plaintiff is fully secured. Hence, the order of attachment dated 27.06.2013 granted by the trial Court is set aside.

4.Considering the fact that the suit is of the year 2012, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order and report such disposal to this Court without fail. Registry is directed to send back the records if any received from the trial Court. No costs. Consequently, the connected miscellaneous petition is also closed.

04.08.2017

Index:No
Internet:Yes

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To
The III Additional District Court,
The III Additional District &
Sessions Judge,
Coimbatore.

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R.SUBRAMANIAN,. J.

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