

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 23RD DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.8476 of 2017

in

C.S.No.956 of 2017

S.S.M.Ahamed Hussain,
S/o.Mohamed Abubacker,
Old No.47, New NO.4,
Zulaikha, Model School Road,
Rutland Gate, Chennai 600 006 ...Applicant/Plaintiff

-vs-

1.Mrs.Beenu Govind Rao,
Permanent resident of
No.39, Poes Garden,
Chennai 600 086

2.Mrs.Renu Rao,
Permanent resident of
No.22, Poes Garden,
Chennai 600 086

3.P.G.Praveen,
216, Jambodai Street
ECR, Muttukkadu,
Chennai 603 112

....Respondents/Defendants

Application praying that this Hon'ble Court be pleased to pass an order of attachment before Judgment of the 1/3rd Undivided share of each of the Respondents/Defendants in the property bearing Door No.22, Poes Garden, Chennai 600 086, morefully described in the Schedule appended to the Judges summons, pending disposal of the above suit.

This Application coming on this day before this Court for hearing the court made the following order:-

This application has been filed for attachment before

judgment of the 1/3rd undivided share of each of the

respondents / defendants in the property bearing Door No.22, Poes Garden, Chennai 600 086.

2.Though, this suit has been filed for recovery of money, it appears that defendants 1 & 2 have admitted their liability, whereas, the 3rd defendant disputed the liability and has deposited a sum of Rs.1.5 crores to the credit of the suit in C.S.No.28 of 2016.

3.Since, C.S.No.28 of 2016 has been filed for partition and C.S.No.956 of 2017 has been filed for recovery of money by the 3rd party, both the suits were posted together for settlement. After the last several hearings, the 3rd defendant under the pretext of settlement took adjournments, whereas, the defendants 1 & 2 have admitted their liability in C.S.No.956 of 2017.

4.This application has been filed in C.S.No.956 of 2017 for attachment before judgment of the 1/3rd undivided share of each of the defendants in the property bearing door No.22, Poes Garden, Chennai 600 086.

5.Despite the several adjournments, the defendants have not come forward for settlement. Hence, this Court is

of the view that the conduct of the defendants really shows

that they are not opted for settlement.

6.Taking into consideration that the defendants 1 & 2 have admitted their liability, I am of the view that it is the fit case where the property specified in the schedule to be attached. Accordingly, this application is allowed and the order of attachment is passed.

7.Registry is directed to send the communication to the concerned Registrar Office.

8.Post C.S.No.956 of 2017 for filing written statement on 20.08.2018.

Sd/-N.S.K.J
23/07/2018

//Certified to be a true copy//

Dated this the day of 2018

JJ 26.09.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.