

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 7th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S. No.513 of 2013

and

A.No.2649 of 2021

M/s.Loyal Credit and Investments Limited,  
rep. by its Authorised Signatory, Mr.V.Kannappan,  
having office at "Kothari Buildings",  
IV Floor, 114, M.G.Road, Nungambakkam,  
Chennai-600 034.

... Plaintiff/Applicant

-Versus-

1. Mr.V.Krishnamoorthy,  
Sole Proprietor, M/s.A.K.Promoters,  
Civil Engineers & Contractors,  
No.5, Sathiyamoorthy Colony,  
Tiruvalleeswarar Nagar, Tirumangalam,  
Anna Nagar, Chennai-600 040.

also at No.173, F-2, 1st Floor,  
Block "E", Thanikachalam Nagar,  
Ponnammanmedu, Chennai-600 110.

2. Mrs.K.Bhuvaneshwari,  
W/o.Mr.V.Krishnamoorthy,  
No.173, F-2, 1st Floor,  
Block "E", Thanikachalam Nagar,  
Ponnammanmedu, Chennai-600 110.

... Defendants/Respondents

**C.S.No.513 of 2013**

Civil Suit praying that this Hon'ble Court be pleased to pass a decree and judgment in favour of them and against the defendants:-

a) directing both the Defendants jointly and severally to pay the plaintiff a sum of Rs.2,43,03,412/- along with pendilite interest at the rate of 36% per annum from the date of plaint till the date of realization in full, restricting the claim against the second defendant to Rs.1,21,51,706/- only with further interest at the rate of 36% per annum from the date of plaint till the date of realization in full, on or before a time to be specified by this Hon'ble Court, by passing a preliminary decree in favour of the plaintiff and against the first defendant;

b) on failure, permitting the plaintiff to approach this Hon'ble Court for a final decree, ordering the sale of the Schedule 'A' & 'B' mentioned properties and to appropriate the sale proceeds towards the claim of the suit amount;

c) in case of deficiency after appropriation of the sale proceeds as above, permitting the plaintiff to proceed against the first defendant to pay the balance amount to the plaintiff;

d) directing both the defendants to pay the plaintiff the entire costs of the suit.

**A.No.2649 of 2021**

Application praying that this Hon'ble Court pleased to pass a final decree in the above suit.

This suit along with the application coming on this day before this Court for hearing in the presence of Mr.Elayaraj Kumar, for M/s.Ramalingam and Associates, Advocate for the plaintiff in C.S.No.513 of 2013 and for the applicant in A.No.2649 of 2021 and the defendant herein, not appearing in person or by advocate and upon reading plaint filed in C.S.No.513 of 2013 and the judges summons and the affidavit of V.Kannappan filed in A.No.2649 of 2021 and the preliminary decree dated 23.11.2020/04.07.2018 passed in C.S.No.513 of 2013,

**It is ordered as decreed as follows:-**

That the mortgaged properties directed to be sold by the preliminary decree made herein and dated 23.11.2020 and morefully setout in the schedule A & B hereto be sold.

2. That the plaintiff herein, do on or before the 8.2.2022 bring into

court two copies of a proclamation of sale, the affidavits and certificates prescribed by Rule 3 Order XXX VIII of the Original Side Rules 1956.

3) That the defendants herein, do pay the plaintiff herein a sum of Rs.105/- (Rupees One Hundred and Five only) as and for the costs.

4) That the further hearing of this suit do stand adjourned.

### SCHEDULE OF PROPERTIES

#### SCHEDULE -A

All that piece and portion of Flat bearing No.F-2 in the first floor of "E" Block at Thanikachalam Nagar, Madhavaram, Chennai 600 110, measuring an extent of 1000 sq.ft. built up area including common area with covered car parking together with 600 sq.ft. undivided share of land out of the flat scheme of land of an extent of 2400 sq.ft. in Thanikachalam Nagar, Ponnammanmedu, Chennai 600 110 comprised in Survey Nos.1178/1A1A2 & 1180/1A1A1A/1A1B, of Madhavaram Village, Ambattur Taluk, Thiruvallur District, the land bounded on the

North by : 30 feet road

South by : Plot No.174

East by : Plot No.178

West by : 40 feet Road

measuring

North to South on the Eastern side : 40 feet

North to South on the Western side : 40 feet

East to West on the Northern side : 60 feet

East to West on the Southern side : 60 feet

to an extent of 2400 sq.ft. area of property situated within the limits of Registration District of North Chennai, Sub Registration District of Sembium.

#### SCHEDULE-B

All that piece and portion of Flat bearing No,F-1 in the first floor of "E" Block at Thanikachalam Nagar, Madhavaram, Chennai 600 110, measuring an extent of 1000 sq.ft., built up area including common area with covered car parking together with 600 sq.ft., undivided share of land out of the flat scheme of land of an extent of 2400 sq.ft. in Thanikachalam Nagar, Ponnammanmedu, Chennai 600 110 comprised in Survey Nos.1178/1A1A2 &1180/1A1A1A/1A1B of Madhavaram Village, Ambattur Taluk, Tiruvallur District, the land bounded on the,

North by : 30 feet road

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North to South on the Western side : 40 feet

East to West on the Northern side : 60 feet

East to West on the Southern side : 60 feet

to an extent of 2400 sq.ft. area of property situated within the limits of  
Registration District of North Chennai, Sub Registration District of  
Sembium.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH  
BHANDARI ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS  
AFORESAID THIS THE 07th DAY OF JANUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the       day of       2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies  
of the Orders/Judgments/Decrees in this format.

KY

09.02.2022

C.S. No.513 of 2013  
and  
A.No.2649 of 2021

PARTITION FINAL DECREE:

DATED: 07.01.2022

THE HON'BLE MR. JUSTICE  
N.SESHASAYEE

FOR APPROVAL: 11.02.2022

APPROVED ON : 11.02.2022

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d) directing both the defendants to pay the plaintiff the entire costs of the suit.

**A.No.2649 of 2021**

Application praying that this Hon'ble Court pleased to pass a final decree in the above suit.

This Civil Suit along with this application coming on this day before this Court for hearing the Court made the following orders:-

This application is filed to pass a final decree in the above suit.

2.This is a mortgage suit. The plaintiff has obtained a preliminary decree for money.

3.Notice has been served and the case is repeatedly posted before the Court and the learned counsel for the defendant has not logged in.

4.In a suit for mortgage except honouring the commitment under the preliminary decree, there cannot be any other exemption than to pass a Final decree. Since the defendant has not logged in nor has he honoured his

liability, this Court is constrained to pass a Final Decree.

5.This application stands allowed. The final decree is passed in terms thereof.

Sd./-N.S.S.J.,  
07.02.2022

//Certified to be true copy//  
Dated at Madras this the       day of       2022.

COURT OFFICER(O.S.)

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