

A.No.520 of 2020

in C.S.No.55 of 2020

P.T. ASHA, J.

Despite several chances being given to the respondents to file their counter and even after they were put on notice that costs will be imposed. If their counter for the application filed for furnishing security is not filed, the respondents have not filed their counter. The applicant who is an Advocate had been engaged by the respondents. He has filed the instant suit for recovery of professional charges and damages. The applicant would submit that despite conducting the cases of the respondents diligently, the respondents have not come forward to make the payment. In fact, the applicant has entered appearance in many criminal cases as well as civil cases on behalf of the respondents and had also conducted the trial of the suit. However, the respondents have refused to pay fees to the applicant and hence, this petition.

2.The applicant would submit that except for the suit properties, there are no other assets for the respondents and in the event of the applicant succeeding in the suit he may be just left with a paper decree. The applicant

had also filed an additional affidavit contending that the respondents are taking steps to alienate the suit property.

3.The counsel for the respondents would submit that the applicant had not conducted the cases till the finish and have left in midway.

4.Considering the fact that the applicant must first establish his right to claim the fees as set forth by him in his plaint. Although the application filed is for attachment of the property this Court feels that interests of justice would be served if the respondents are enjoined from alienating the property which is the subject matter of the suit pending disposal of the above suit. To this counsel for the respondent also does not have any serious objection though she would contend that the applicant has to first establish his case. However, taking note of the fact that the respondents are taking steps to alienate the property as contended in the additional affidavit filed by the applicant. There shall therefore be an order of injunction restraining the respondents, their men and agents alienating, encumbering or creating a charge over the suit property or leasing it to any third party.

The respondents are directed to file their written statement by

09.09.2020.

31.07.2020

mps



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