

**A.No.727 of 2020
in
C.S.No.71 of 2020**

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed to furnish security for the suit claim of Rs.1,05,00,000/-, failing which an order of attachment before judgment of the immovable property morefully described in the schedule to the judges summons.

2. I heard the learned counsel for the Applicant/Plaintiff and the learned counsel for the Respondents/Defendants.

3. The learned counsel for the Applicant submitted that the first Respondent approached the Applicant in September,2018 for a loan in order to carry out the repairs and damages to the structural work in his brick chambers. The Applicant agreed to provide the loan subject to the execution of documents in his favour. Accordingly, on 03.10.2018 three promissory notes were executed in favour of the Applicant and a sum of Rs.1,10,00,000/- was paid to the Respondents which was repayable with interest at 24% per annum. After receiving

the said loan amount, the first Respondent paid an aggregate sum of Rs.5,00,000/- to the Applicant. No payments were made thereafter. Consequently, the Applicant was constrained to file the suit for recovery of a sum of Rs.1,05,00,000/- with interest thereon. He further submits that the Respondents are taking urgent steps to dispose of the property described in the schedule to the judges summons so as to defeat the claims of the Applicant.

4. The Respondents are represented by counsel. In spite of providing sufficient opportunity no counter has been filed. The learned counsel submitted that the Respondents would make payment provided sufficient time is given for making such payment.

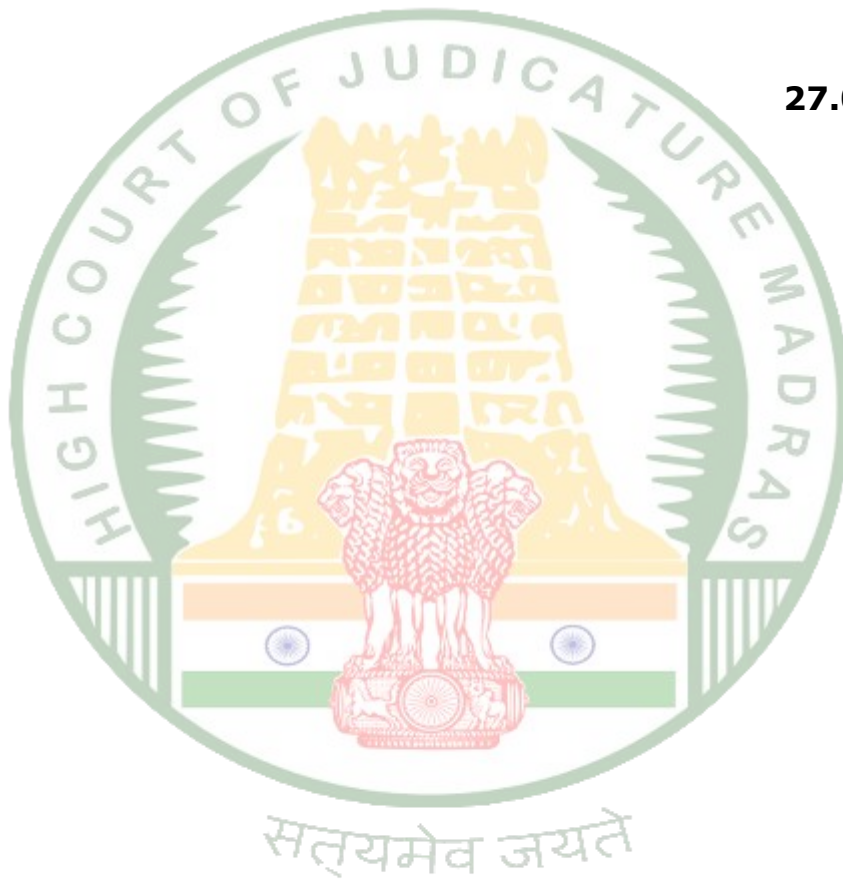
5. However, the fact that only Rs.5,00,000/- was paid out of the total sum of Rs.1,10,00,000/- is not refuted. Equally the allegation that the Respondents are taking steps to dispose of the property so as to defeat the claims of the Applicant is also not disputed. Therefore, I find that the Applicant has made out a case for the grant of attachment before judgment. Consequently, this Application is allowed and there shall be an order of attachment before judgment of the immovable property described in the schedule to the judges summons until

disposal of the suit C.S.No.71 of 2020.

6. List the suit on 12.03.2020 for filing written statement.

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27.02.2020

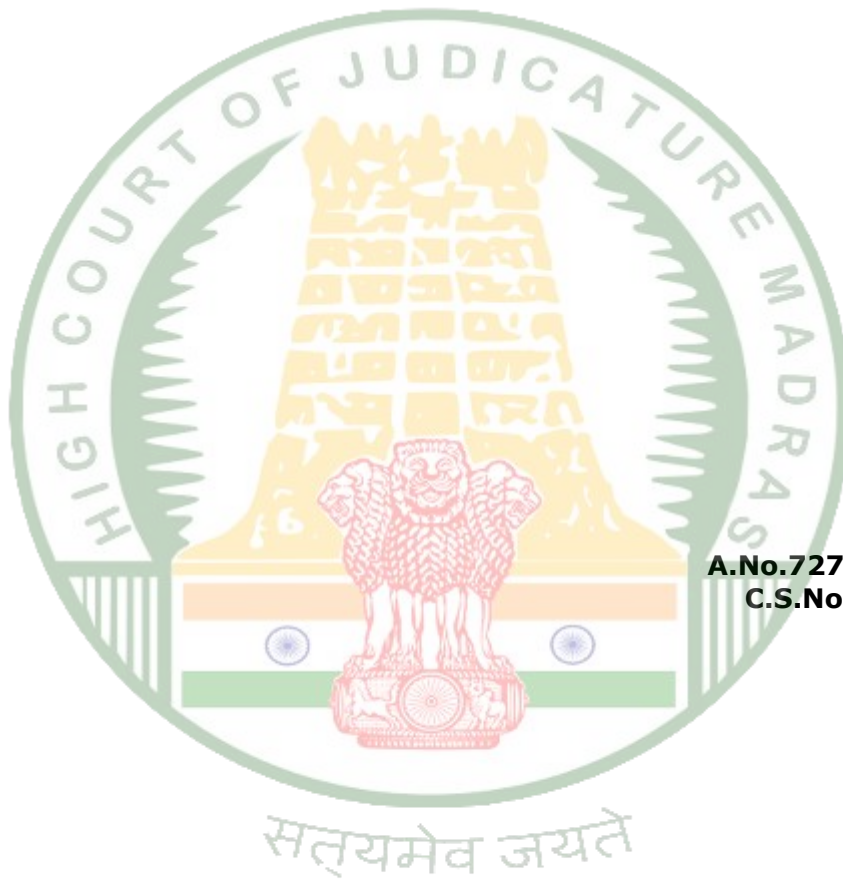


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