

A.No.9727 of 2019

in

C.S.No.714 of 2019

C.V.KARTHIKEYAN, J.

This Application has been filed under Order XXXVIII Rule 5 of the Code of Civil Procedure, seeking a direction against the Defendant to furnish security to the value of the Suit claim namely, Rs.21,20,000/- or in the absence attach the schedule mentioned property in Shop No.2 Old No.131-134 and New No.151-155, EVR Periyar Salai, Kilpauk, Chennai – 600 010, admeasuring 751 Sq.ft of super built up area.

2.The Suit property which is a shop in a two storeyed building belongs to the Defendant. The Plaintiff was the tenant in the said premises. Subsequently, the entire building was sought to be demolished by the CMDA owing to certain aspects relating to deviations in construction . This Court is not examining those fact as on date. However, the Plaintiff had to vacate the premises. The Plaintiff had sought a direction against the Defendant for payment of a sum of Rs.21,20,000/- and also a further sum of Rs.1,00,44,514/- as compensation.

3. Pending the Suit, the present Application has been filed. The court must confess that examining only a portion of the counter affidavit filed on behalf of the Defendant, wherein, they had stated that they would not alienate the property, but that they would demolish the property, the Court had passed orders recording the undertaking not to alienate, but indicating that if there is to be any demolition, prior leave of the Court should be obtained.

4. A perusal of the records shows that the relief sought by the Plaintiff is only to furnish security to the value of Rs.21,20,000/-. As a matter of fact, the Defendant had filed A.No.1881 of 2020 and by order dated 18.09.2020, this Court had granted permission to the Defendant to deposit a sum of Rs.20,00,000/- to the credit of the Suit in the Registry and that on such deposit, the Registry may transfer the same to any Nationalized Bank within a period of five working days from the date of such deposit. It is informed that such deposit had been made. Effectively, that covers the security for the claim made by the Plaintiff, which is the relief sought in the present Application namely, to provide security for a sum of Rs.21,20,000/-. In view of that fact, no further orders are required. Accordingly, the Application is closed. No order as

to costs. The earlier order restraining alienation or dealing with the property and requiring leave to be obtained before demolition of the building are naturally interfered with and recalled.

21.12.2020

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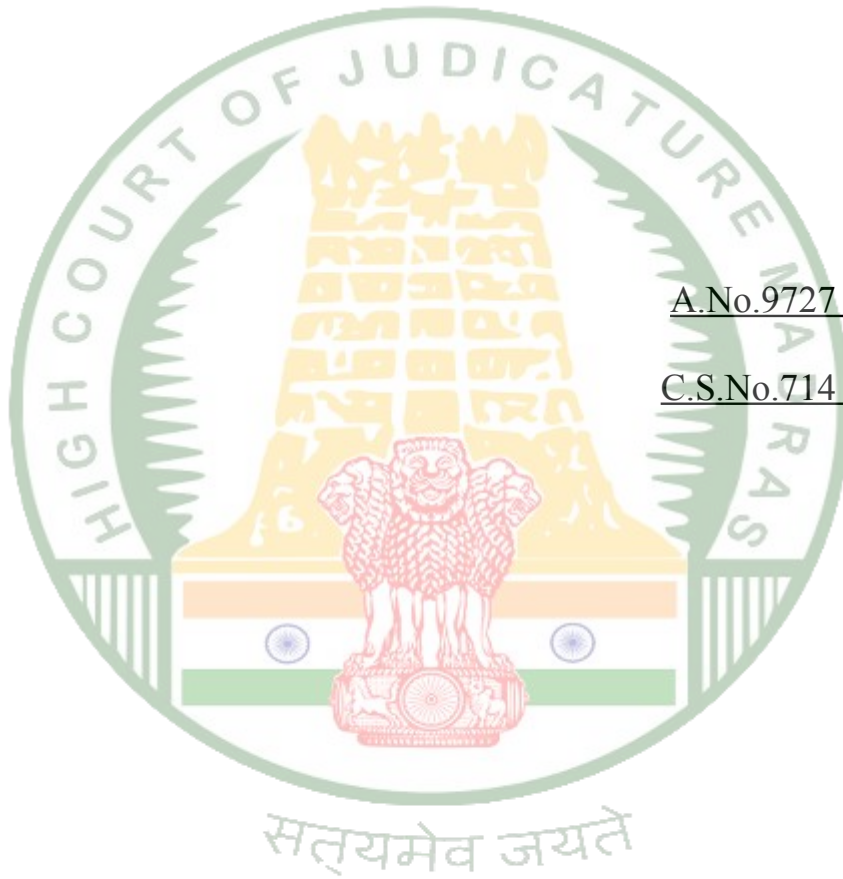


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