

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2020
CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
O.S.A.No.103 of 2017

M/s.Belair Corporation Private Limited,
(Formerly known as
M/s.Belair Enterprises Private Limited)
Represented by its Managing Director,
Arvind Srinivasan,
Old No.140-A, New No.94,
Luz Church Road,
Mylapore, Chennai 600 004. Appellant

Vs

1.R.Vasu, S/o.Radhakrishnan,
Penthhouse - B 'Renaissance'
11/A, Ranjith Road,
Kotturpuram, Chennai 600 085.

2.Sarala Valsu, W/o.R.Vasu,
Penthhouse- B 'Renaissance'
11/A, Ranjith Road,
Kotturpuram, Chennai 600 085.

3.Anand Vasu,
S/o.R.Vasu,
201, Brigade Odyssey,
No.9/2, Convent Road, Bangalore.

4.Vikram Vasu,
Flat No.7, Embassy House,
West End Lane,
London, NW 6 NA,
United Kingdom

.... Respondents

PRAYER : Appeal against the order dated 06.01.2017 passed
in Application No.1608 of 2016 on the file of this Court.

For Appellant :Mrs.Hema Sambath
Senior counsel
for Mr.P.N.Swaminathan

For Respondent :Mr.Srinath Sridevan (for R1 & R2)

Ms.S.Amritha (for R3 & R4)

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred against the order of dismissal of application filed for attachment of property belonging to the 1st and 2nd respondents in the Suit filed by the appellant for recovery of money from respondents 1 and 2.

2.Heard the learned counsel appearing on behalf of the appellant and the learned counsel appearing on behalf of the respondents.

3.It is stated that the learned counsel appearing on behalf of the appellant was not present before the Court when the application was taken up for disposal and therefore, the learned Judge had printed the name of the appellant and given an opportunity, especially when the learned counsel appearing on behalf of the appellant at that time stated before the Court that he had already given change of vakalath. Whatever it may be, there is a suit for recovery of money and there is a counter claim by the respondents. It is stated that the issues were framed on 31.01.2017 and the matter was posted for trial as early as on 27.02.2017. In view of the above development, it is appropriate to request the learned Judge to take up the matter and dispose of the Suit itself at the earliest.

4.The Registry is directed to trace out the Suit bundle as it is alleged that the bundle could not be traced out. It is brought to the notice of this Court that after the Suit was filed on 19.09.2011 by the appellant against the respondents, the Suit property was transferred by the Respondents 1 and 2 in favour of respondents 3 and 7 during 2012 and therefore, respondents are directed not to deal with the said property.

5.Accordingly, the Appeal is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sai
To,
The Sub Assistant Registrar,
Original Side,
High Court,Madras

+1cc to M/s.P.VRajeswari , Advocate SR.No. 7160

+1cc to Mr.Arul Karthik Mohan , Advocate SR.No. 7056

O.S.A.No.103 of 2017