

A.Nos.2489 of 2021 and 1194 of 2020

in

C.S(Comm.Div.).No.128 of 2020

DR.G.JAYACHANDRAN, J.

After considering the merits of the case as propounded in the Application No.1194 on 2020 filed under Order XXXVII Rule 5 of C.P.C., this Court directed the respondent/defendant to furnish security for a sum of Rs.1,27,87,671/- on or before 24.07.2021, failing which, there shall be an order of attachment before judgment in respect of the schedule mentioned property.

2. This matter was listed on 26.07.2021 to record the compliance of the earlier order dated 24.06.2021. It was reported by the learned counsel for the plaintiff that the respondent has not furnished the security within the given time and insisted for attachment.

3. Though the order of this Court dated 24.06.2021 is very explicit regarding the attachment before judgement in case of default to furnish security on or before 24.7.2021, this Court to verify from the Registry about the statement of the plaintiff, adjourned the matter to 24.08.2021.

4.Today, the learned counsel appearing for the respondent/defendant stated that he has preferred an Intra Court Appeal against the order of this Court dated 24.06.2021. At the same time, an application for extension of period for furnishing security by two months has already been filed by the respondent/defendant. In this application, certain merits has been canvassed and also direction sought from this Court to send the signature contained in the Document dated 17.08.2016 to the Hand Writing Expert.

5.This Court is of the view that the intend of the respondent/defendant is to delay the process and to avoid furnishing security, which will enable him to remove the property or dispossess the property away from the jurisdiction of this Court. This conduct enforce and reinforce the apprehension of the plaintiff who sought for Attachment Before Judgment.

6.As pointed out earlier, attachment before judgement in default of furnishing security on or before 24.07.2021 has already been explicit by this Court in its order dated 24.06.2021 and the request for the extension of time in application No.2489 of 2021 does not carry any bonafide. Hence the application in A.No.2489 of 2021 is dismissed. The application No.1194 of

2020 filed for attachment of the schedule mentioned property is allowed.

24.08.2021

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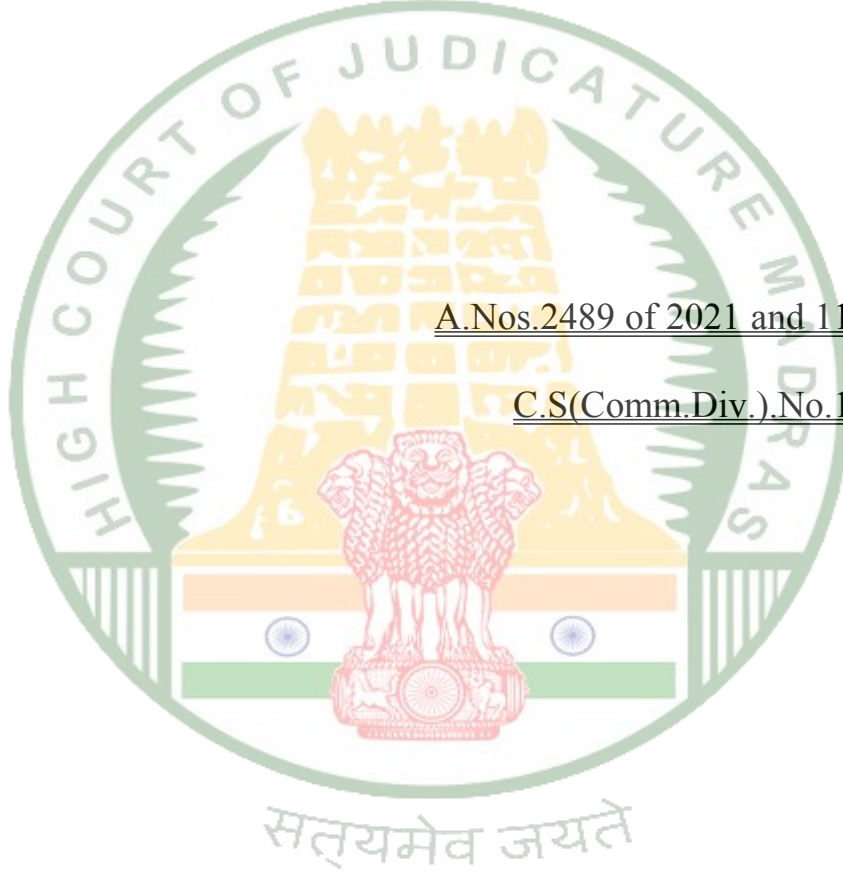


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