

A.No.3570 of 2021
in
C.S.(Comm.Div) No.70 of 2021

DR.G.JAYACHANDRAN, J.

Application No.3570 of 2021 is filed under Order 38 Rule 5 and 6 of CPC. The suit is filed for recovery of a sum of Rs.1,39,45,720.98/- being the balance amount payable by the defendants towards the goods sold and delivered to the defendants.

2.According to the plaintiff, the plaintiff supplying iron and steel scrap to the first defendant represented by the fourth defendant since 2018 on credit basis and they were maintaining a running account for the supply of goods and payment as against the supply of goods. As on 31.03.2020, an outstanding of Rs.1,39,45,728.98/- remained unpaid and the last payment made by the defendant was on 18.11.2019 a sum of Rs.9,92,121/-. Apprehending that pending suit, the defendants contemplating to suit schedule property which stands in the name of the partners of the first defendant company, the present application for attachment before judgment is filed.

3.In the affidavit filed along with this application, it is specifically stated that the schedule mentioned property owned by the partners of the

DR.G.JAYACHANDRAN,J.

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owned by Anand Garg and Manmohan Agarwal, as the partners of the first defendant firm M/s.Ponneri Steel Industries. One of the partner Mr.Manmohan Ponneri died on 01.11.2020, leaving behind the defendants 2 and 3.

4. When a private notice was ordered to be served on the respondent in the application, the plaintiff has taken steps but all the four postal covers returned with endorsement “refused”. Affidavit of service along with returned postal cover is filed.

5. On considering the facts as narrated by the applicant and the conduct of the respondent who has refused to receive the notice, leads to inference that the apprehension of the plaintiff that the suit schedule property may be alienated pending suit gets fortified. Therefore, the attachment before judgment is ordered, since the respondent failed to furnish security and even not ready to receive the notice.

Post the matter on **29.11.2021**.

26.10.2021

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