



WEB COPY



A.No.3543 of 2021

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in
C.S.(Comm.Div.)No.68 of 2021

N.ANAND VENKATESH.J.

This application has been filed seeking for a direction to the respondent to furnish security.

2. Heard Mr.V.Balasubramani, learned counsel for the applicant and Mr.K.S.Ganesh Babu, learned counsel for the respondent.

3. The respondent has filed a suit in C.S.No.183 of 2020 seeking for a counter claim against the applicant. In the said suit, the respondent apart from filing other applications, had also filed an application for a direction to the applicant herein to furnish security. The said application came to be dismissed by this Court by an order dated 10.03.2021. This Court took into consideration the entire facts of the case and found that no case was made out for issuing such a direction to the applicant herein. Ultimately, the matter was taken up on appeal and the Hon'ble First Bench by order dated 17.08.2021, had directed the disposal of the suits filed by the parties expeditiously and the parties were also directed to cooperate for the same.



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4. Considering the nature of the claim and counter claim made by the parties and also the fact that there are no strong materials available to direct the respondent to furnish security, this Court is not inclined to issue any direction to the respondent to furnish security. However, this Court is inclined to direct the respondent to file an affidavit giving particulars of the assets possessed by the respondent in his own name or in the name of dependent/agents etc.,. This affidavit will suffice to ensure that if in case the applicant ultimately succeeds in this suit, he can always go against these assets to enforce the re-payment of the money.

5. This application is disposed of, accordingly. The respondent is directed to file affidavit of assets before the next date of hearing after furnishing a copy to the learned counsel for the applicant.

30.11.2021
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