

Application No.3172 of 2020 in
C.S.No.309 of 2020

V.PARTHIBAN, J.

This application is filed seeking a direction to the respondent to furnish security for the sum of Rs.3,88,04,875/- within a fixed time frame which appropriate orders of attachment may be passed to attach the properties morefully described in the schedule of the Judges summons for due realisation of suit claim of the above suit.

2.Heard the learned counsel for the applicants.

3.The case of the applicants is that the second defendant along with first defendant have approached the first plaintiff and represented that he is Director of M/s.Indira Projects and Development Pvt. Ltd., and informed that he has got an investment proposal for purchase of property belonging to one Mrs.Raniammal. He represented himself as a power agent of one Mrs.Raniammal and sold the property to the plaintiff and in turn plaintiff has paid the entire sale consideration and sale deed was also executed in favour of the plaintiff. As per the request of the second respondent, the first applicant/plaintiff and Ugamchand Jain have executed a power of attorney in favour of the second defendant. Subsequently, they came to know that the sale deed was a fraudulent one and now the applicants/plaintiffs are without any security for their lawful and admitted claim.

V.PARTHIBAN, J.

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4.The earlier order of this Court for furnishing of security dated 26.03.2021 directing to furnish the same on or before 16.04.2021 has not been complied with as on date. However, on behalf of the first respondent it was submitted by the learned counsel that his client is not aware of the above said order and hence security could not be furnished. This Court is unable to countenance such casual submission without any conviction made on behalf of the first respondent without any supportive material. However, the fact remains that the earlier order of this Court for furnishing of security has not been complied with. Therefore, there shall be an order of attachment of the suit schedule property described in the Schedule to the Judge's summons and accordingly, the Application stands ordered.

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29.07.2021

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