



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 02ND DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.3888 of 2021

IN

C.S.454 of 2014

Mr. P. Munuswamy,
Son of Parthasarathy,
17/9, Bashyam Street,
Vetri Nagar,
Chennai – 600 082.

...Plaintiff

VS

G. Vijayalakshmi,
Wife of Late Kavadi Gopi,
No. 26/11, Bajanai Koil Street,
Sembium, Chennai – 600 011.

...Defendant

A.No.3888 of 2021:

G. Vijayalakshmi,
Wife of Late Kavadi Gopi,
No. 26/11, Bajanai Koil Street,
Sembium, Chennai – 600 011.

...Applicant / Defendant

-Vs-

Mr. P. Munuswamy,
Son of Parthasarathy,
17/9, Bashyam Street,
Vetri Nagar,
Chennai – 600 082.

..Respondent / Plaintiff



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Application praying that this Hon'ble Court be pleased to raise the order of attachment of immovable property dated 23.09.2014 in Application No. 4509 of 2014 in CS. No. 454 of 2014.

This Application coming on this day before this court for hearing, the Court made the following order:

No representation for the plaintiff. This Court finds that the suit itself has been decreed on 08.01.2018.

2.This Court perused the affidavit filed in support of this application. The affidavit does not disclose the judgment of this Court dated 08.01.2018. This Court has recorded in its judgment that the defendant was set exparte for not filing his written statement on 26.03.2015. Therefore, the defendant had filed the written statement admitting a portion of the suit claim and that on 29.04.2015 the exparte order was set aside on condition that the defendant pays a sum of Rs.5 lakhs by 02.06.2015 and another sum of Rs.5 lakhs by 02.07.2015. These amounts were paid and subsequently the matter was posted for trial before the learned Additional Master No.3 and before the learned Additional Master No.3, the defendant chose not to contest the suit, accordingly, the suit came to be decreed by this Court. This Court had directed the defendant to pay a sum of Rs.13 lakhs after giving credit to the tune of 10 lakhs, which the defendant has deposited with interest. None of



these material facts find place in the affidavit filed in support of this application. The application is absolutely inadequate in the matter of setting the facts that have already been taken place.

3. Inasmuch as the applicant had suppressed the material particulars, this court is not inclined to allow this application. This application stands dismissed accordingly, but with liberty to the applicant to come out with an application with better material particulars.

Sd./-NSSJ

02.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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PS 18/11/2021