



WEB COPY



A.No.481 of 2021
in C.S.No.606 of 2016

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N.SESHASAYEE, J.

It is a suit for money and the defendant is stated to have offered security whose value is several folds than the value of the claim. The defendant on his part, has made a counter claim for about Rs.2 Crores. The plaintiff has come forward with this application to pass a decree for the admitted sum of Rs.10,03,722/-.

2.The core contention of the learned counsel for the defendant is that he has already offered a property as security for payment of the suit claim in the eventuality of the plaintiff succeeding in the suit. He also emphasised that the defendant has a counter claim that needs to be factored in.

3.These facts are recorded broadly by this Court in its order dated 08.12.2021. Inasmuch as the property has been offered as security and is at the disposal of the Court and given the fact, the defendant also has a counter claim for much larger amount than the plaintiff's claim, there may not be an immediate need to pass a decree for the admitted amount. The point is, in the eventuality of the defendant succeeding in the counter claim, this Court



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can always give a set off to the extent of admitted sum as payable to the plaintiff by the defendant as conceded in paragraph no.34 of his Written Statement.

4. Therefore, no order needs to be passed in this Application. Accordingly, this Application is closed.

5. Post the matter on 27.01.2022 'for framing issues'.

24.01.2022

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