



WEB COPY



A.No. 1250 of 2020
and O.A.No.182 of 2020
C.S.No.136 of 2020

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ABDUL QUDDHOSE, J.

The suit claim has been filed seeking for recovery of a sum of Rs.1,69,77,038.82 (Rupees One Crore sixty nine lakhs seventy seven thousand thirty eight and paise eighty two only) from the defendants. The first defendant was a dealer under the plaintiff and the remaining defendants are the partners of the first defendant.

2. According to the plaintiff, the first defendant committed default under the dealership agreement dated 01.01.2015 by not paying the dues in respect of the sale of Tractors to them. The plaintiff has filed 45 documents along with the plaint, which includes the dealership agreement dated 01.01.2015, which has been filed as Document No.3.

3. Several communications have also been sent as seen from the documents, demanding payment from the defendants in respect of the



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outstanding dues. Statement of Accounts dated 02.03.2020 has also been filed as Document No.40 for the period from 01.04.2019 to 31.01.2020.

4. After perusing and examining the pleadings contained in the plaint as well as in the affidavit filed in support of this Application, this Court is of the considered view that prima facie, the plaintiff has proved the suit claim. A pleading has also been made in the affidavit filed in support of this application that the defendants are indebted to various creditors and they are attempting to alienate or encumber their assets to deprive the legitimate dues of the creditors.

5. By Order dated 20.03.2020, passed in this application, this Court had directed the respondents to furnish security for the suit claim within a period of four months from the date of receipt of notice in A.No.1250 of 2020. Apart from directing the respondents to furnish security to the extent of the suit claim, this Court in the very same order in O.A.No. 182 of 2020, after coming to the conclusion that applicant/plaintiff has made out a prima facie case, has granted an order of interim injunction restraining the respondents from taking a new



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Dealership of the Tractors called “FARMTRAC” in Godhra for a period of six months. The said injunction is also still in force.

6. Till date, the respondents have also not furnished security to the extent of the suit claim in terms of the order dated 20.03.2020. Therefore, the consequential order of attachment will have to be passed as prayed for in A.No.1250 of 2020.

7. The applicant/plaintiff has sought for attachment of the immovable property owned by the first respondent/first defendant, which is more fully described in schedule A to the Judges summons. Even though, earlier learned counsels had entered appearance on behalf of the respondents, they had made a statement before this Court in one of the hearings that they are no longer the counsels for the respondents. Till date, no new counsel has entered appearance on behalf of the respondents/defendants or the respondents/defendants have appeared by themselves. The names of the respondents/defendants are also printed in the cause list today along with the name of their erstwhile counsels.



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Despite the same, there is no appearance on the side of the respondents/defendants.

8. For the foregoing reasons, since the respondents have not furnished security within a period of four months from the date of receipt of the order dated 20.03.2020, this Court is constrained to order attachment of the schedule A property more fully described in the schedule A to the Judges summons as prayed for in A.No.1250 of 2020.

9. Accordingly, A.No.1250 of 2020 is allowed by ordering attachment of the schedule A property more fully described in the schedule A to the Judges summons. Similarly, the interim injunction granted by this Court in O.A.No.182 of 2020 on 20.03.2020 is also made absolute and O.A.No.182 of 2020 is also allowed as prayed for.

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