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A.No.1767 of 2022 in
C.S.No.368 of 2001

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V.BHAVANI SUBBAROYAN,J.,

The present application is filed by the applicant / 1st defendant to raise the order of attachment of immovable property dated 24.03.2006 in A.No.1217 of 2005 in C.S.No.368 of 2001.

2. The learned counsel for the applicant / 1st defendant submits that the suit is filed by the respondent / plaintiff for recovery of money against the applicant and another. Earlier, the respondent / plaintiff has sought for an order of attachment of immovable property at Velachery Village, which belongs to the applicant / 1st defendant and the same was also ordered in A.No. 1217 of 2005 on 24.03.2006. After the said attachment, the applicant / 1st defendant has settled the entire dues to the respondent / plaintiff and the suit came to be settled out of Court by order dated 13.10.2014. Thereafter, the applicant applied for Encumbrance Certificate before the Sub Registrar's Office at Velachery, but the attachment order granted earlier was not deleted in the register maintained by the Sub-Registrar Office. When the applicant requested



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the Sub-Registrar to delete the entry made in the Register, the Sub Registrar advised the applicant to get necessary orders from this Court, hence this application.

3. On the other hand, the learned counsel for the respondent represents that he has no objection in allowing the present application and made the following endorsement in the present application:-

“This application may be allowed, as the respondent has no objection since the money has been released”

4. Heard the learned counsel on either side and perused the documents placed on record.

5. Considering the fact that the suit, viz., C.S.No.368 of 2001 has been 'Dismissed as Settled Out of Court' as early as on 13.10.2014 and taking note of the endorsement made by the learned counsel for the respondent / plaintiff that the money has been released and he has no objection in allowing the present application, this Court is inclined to allow the present application.



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Accordingly, this Application is allowed and the Sub Registrar, Velachery is hereby directed to delete the attachment, which was effected as per the order made in A.No.1217 of 2005 dated 24.03.2006.

22.04.2022

ssd



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