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A.No.1993 of 2022

in

C.S. No.193 of 2021

SENTHILKUMAR RAMAMOORTHY, J

This application is presented by the plaintiff for a direction to defendants 1 to 8 to furnish security for the suit claim of Rs.65,15,76,786/-.

2. The suit was filed to recover a sum of Rs.65,15,76,786/- on the basis of a mortgage in favour of the plaintiff. It subsequently transpired that the mortgaged property had been conveyed by the 9th defendant to the 1st defendant. Consequently, by order dated 21.12.2021 in A.No.1981 of 2021, the 1st defendant was restrained from alienating or encumbering the property described in Schedule - H of the plaint.

3. In response to this application, the 1st respondent filed a counter in which an undertaking has been given that the property would not be alienated or encumbered until disposal of the suit. In paragraph 5 of the counter, the 1st respondent has stated *inter alia* as under:



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“.... The 1st Respondent hereby also undertakes not to alienate and encumber the schedule property till the disposal of the aforesaid suit. As such, the 1st Respondent has no intention to deal with the schedule property and furthermore, there are various legal hurdles, which prohibit from creation of encumbrance over the schedule property.”

4. In view of the express undertaking provided by the 1st respondent in paragraph 5 of the counter, this application is disposed of by recording the said undertaking. The applicant is permitted to communicate this order to the jurisdictional Sub Registrar's Office.

17.08.2022

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