



A.No.3731 of 2022

WEB COPY

A.No.3731 of 2022
in
C.S.No.555 of 2001
G.CHANDRASEKHARAN,J.

Application No.3731 of 2022 is filed to rise attachment order passed in A.No.3587 of 2001 in C.S.No.555 of 2001 on 13.11.2001. C.S.No.555 of 2001 was filed for recovery of money from the Respondents / Applicant. It is submitted by the Learned Counsel for the Applicant that Suit was dismissed for non prosecution on 19.02.2018 and therefore, the present Application, for raising the attachment. After filing of the Suit, the First Defendant namely S.A.Paramasivam was dead and Second defendant is the sole surviving legal heir of the deceased First defendant, S.A.Paramasivam. Therefore, this Application is filed by the Second Defendant / Applicant, P.Elangovan alone. It is recorded.

2.Notice taken to the Respondent was returned as 'address is not correct' earlier. Therefore, this Court ordered fresh notice to correct address, giving direction to the Applicant to take private notice as well. Affidavit of Service filed by the Applicant shows that notice taken to the Respondent was returned as refused. Therefore, the Respondent is called absent and set exparte.



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3.Considering the entire facts and circumstances of the case and background that the Suit was already dismissed for default for non prosecution and it appears that till now no steps have been taken for restoring the Suit, this Court allows this Application for raising the attachment ordered in A.No.3587 of 2001 on 13.11.2001. No costs.

10.11.2022

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Note: Issue Order copy on Monday (14.11.2022).

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