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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.3666 of 2021

&

C.M.P.No.21487 of 2021

N.Ponsingh

...Appellant /Respondent/1st Defendant

Vs

1.Owenita Asanta Moris
W/o. Joseph Baptist Trincol
Flat No.C - 1302, Metrozone,
44, Pillaiyar Kovil Street,
Anna Nagar,
Chennai - 600 040.

2.M/s.India Bulls Housing Finance Limited,
Registered Office at
M-62 and 63, First Floor
Connaught Place,
New Delhi - 110 001.

3.HDFC Bank Limited,
Registered Office at
Senapati Bapat Marg,
Lower Parel, Mumbai
Maharashtra - 400 013.
and also having at Branch Office
No.56, First Floor, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

... Respondents 1 to 3/
Petitioner/Respondents 2 & 3/
Plaintiff/Defendant 2 & 3

Prayer: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of CPC against the Fair and Decreetal order dated 18.11.2021 made in I.A.No.1 of 2021 in O.S.No.125 of 2021 on the file of the III Additional District and Sessions Judge, Tiruvallur @ Poonamallee.



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For Appellant	:	Mr.V.Raghavachari for Mr.C.Prabakaran
For Respondent 1	:	Mr.M.V.Seshachari
For Respondent 2	:	Mr.T.Saikrishnan
For Respondent 3	:	Not ready in notice.

JUDGEMENT

The Court by its order dated 08.03.2022 had directed the appellant to file an affidavit stating that he will not sell the property except with the leave of the Court.

2. An affidavit of undertaking dated 11.03.2022 has been filed stating as follows:

"I submit that as the subject-matter of the property is the only property wherein I am carrying on my business and solely depending on it for sustenance. As the subject-matter is already a subject-matter of charge with the Bank, and in the event of any requirement of its alienation, I will inform the Court beforehand and thereafter deal with the property."

3. Instead of using words "will not sell the property except with the leave of the Court", the affidavit would read "in the event of any requirement of its alienation, I will inform the Court beforehand and thereafter deal with the property".

4. The undertaking is recorded with the specific direction that the appellant shall not sell the property except with the leave of the Trial Court, namely, the III Additional District and Sessions Court, Tiruvallur at Poonamallee.

5. The Civil Miscellaneous Appeal is disposed of on the basis of the affidavit of undertaking and direction. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar



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To

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1.The III Additional District and Sessions Judge,
Tiruvallur @ Poonamallee.

Copy to: The Section Officer,
V.R.Section, High Court,
Madras.

+2cc to Mr.C.Prabakaran, Advocate SR.No.17352, 17315
+1cc to Mr.T.Saikrishnan, Advocate SR.No.17308

C.M.A.No.3666 of 2021

AK(CO)
CB(12/04/2022)