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Arb.Appln.No.242 of 2022

in

A.No.3977 of 2012

C.V.KARTHIKEYAN, J.

This Application has been filed seeking to raise an order of attachment, which had been effected by an order dated 19.01.2015 in A.No.3977 of 2012.

2.The applicant herein had borrowed money from the respondent for purchase of a vehicle, namely, Tata Indica bearing Reg.No.TN-20-AY-3292. The total loan amount sanctioned was Rs.1,25,000/-. An agreement had been entered into on 14.07.2008. The applicant herein had to repay the amount in 29 equal instalments of Rs.5,927/-. This commenced from 15.08.2008 to 15.12.2010.

3.The applicant was not prompt or did not paid the amount as agreed by him. The vehicle was thereafter seized by the respondent. The applicant was of the impression that the vehicle would have been sold in the normal process and the dues would be adjusted. But it appears that the vehicle did not fetch a price sufficient to settle the entire dues.



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4. Therefore, an Application has been filed before this Court in A.No.3977 of 2012 seeking to attach the immovable property of the applicant herein, which is described in the Judges Summons and which is situated in Ambattur Phase 1 & 2 Planning area, Tamil Nadu Board Urban Development Project, LIG Type II, Plot No.9776 measuring about 1129.8 sq.ft. This Court had directed attachment of the immovable property. Nothing happened thereafter.

5. The applicant then applied for Education Loan on the basis of the property. He was then informed that the property was the subject matter of attachment. Thereafter, he had negotiation with the respondent and it is stated by the learned counsel for the applicant that a discharge receipt had been issued dated 20.10.2022, indicating that the present applicant had settled the entire dues.

6. The learned counsel for the respondent is also present and the learned counsel affirms the facts as stated by the learned counsel for the applicant.



7. In view of that particular fact, the attachment of the immovable property need not be subsist no longer and it is therefore raised. This Application is allowed. The order of attachment dated 19.01.2015 with respect to the following property is raised namely,

“Schedule

Site bearing Plot No.9776 in LIG Type II in Tamil Nadu Board Urban Development Project, Ambattur Phase I & 2 Planning area comprised in Survey No.582/2 Part of Ambattur Village measuring an extent of 105 square metres or 1129.8 sq.ft bounded on the:-

North by : Plot No.9777

South by : Plot No.9775

East by : 5.00 metre road

West by : R.130 Primary School

Admeasuring East to West on the Northern side – 15.00 metre;

East to West on the South side – 15.00 metre;

North to South on the Western side – 7.00 metre;”



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8.The jurisdictional Sub-Registrar Office at Ambattur is directed to carry out necessary entries in their books indicating that the attachment of the property stands raised.

24.11.2022

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Copy to: The Sub-Registrar Office,Ambattur.

Note: Issue order copy on 29.11.2022.

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