



A.No.863 of 2023

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in CS.(Comm.Div).No.29 of 2023

S.SOUNTHAR, J.

This application has been filed by the applicant seeking directions to the defendant to furnish security for the suit claim amount of Rs.6,15,47,450/-. Though notice has been ordered to the respondent and the same was served on 26.02.2023 as per the note put up by the Registry, there is no representation for the respondent. The name of the respondent is appeared in the cause-list.

2. In the affidavit filed in support of the case it is claimed by the applicant that he is engaged in importing, distributing, dealing and supplying a wide range of branded professional Audio and Video equipments for use in Cinema theatres. The respondent is the proprietor of M/s.Shankarnag Theatre at Bangalore. The respondent decided to purchase the Samsung Onyx LED Screens with audio equipment from the applicant. The respondent negotiated and finalized a deal at Chennai with M/s.Harman International (India) Pvt Ltd, for sale of the above said equipment with an understanding that the sale will be routed through the applicant as he is the authorized dealer. In pursuance of the said negotiation, on 05.04.2019, as per



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the direction of the sale agreement, the applicant has to finance the respondent for the purchase of Samsung Onyx LED Screens with audio equipment. The total value of the equipment with GST came to Rs.5,69,50,000/-. The applicant agreed to finance the respondent and the respondent agreed to repay the same by 50 equal monthly installments together with 5% interest per annum.

3. It is asserted by the applicant that in pursuance of the sale agreement, as per Annexure-I, equipments of the value of Rs.5,69,50,000/- (including GST) were delivered to the respondent under Invoices No.605 dated 11.06.2019 and 1437 to 1442 dated 16.09.2019. The equipments were accepted by the respondent and he also made an endorsement as a token of acceptance and signed under the seal.

4. It is also asserted by the applicant, as per Clause 7 of the sale agreement, the equipments supplied by the applicant remains in the name of the applicant till the entire amounts have been settled in full with interest by the respondent.

5. It is stated by the appellant that the respondent is in the process of disposing the equipments supplied by the appellant in order to



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obstruct the execution of the decree that is likely to be passed against the respondent. The perusal of the reply sent by the respondent in response to the notice issued by the applicant shows that the respondent had admitted the supply of equipments by the applicant. However, it was claimed by him that the equipments supplied by the applicant were sub-standard. Therefore, the applicant has proved that there was a transaction between them and equipments were also supplied to the defendant. The said equipments are shown in the schedule to the Judges summons. Though the respondent received a notice as early as 26.02.2023 he has not appeared before this Court.

6. In view of the same, the applicant has made out a prima facie case and the balance of convenience is in his favour. Accordingly, the prayer for attachment of the property before Judgment more fully described in the schedule of Judges summons is allowed and consequently, this application is ordered.

20.03.2023

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Note: Issue order copy on 23.03.2023.

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