



A.No.2553 of 2023 in
C.S.No.155 of 2013

R.N.MANJULA,J.

This application has been filed to raise the order of attachment dated 26.08.2013 made in A.No.1326 of 2013 in C.S.No.155 of 2013 for attaching the immovable property morefully described in the schedule to the Judges summons and a copy of the order raising attachment be transmitted through the District Munsif Court, Alandur and communicated to the Sub-Registrar, Neelankarai so as to enable him to make the necessary entries in his records.

2. On 28.04.2023, this Court has made the following observations in paragraph Nos.3 and 4:

“3. Curiously, the applicant / defendant has also filed an application in A.No.2550 of 2023 to condone the delay of 2200 days in filing the application to set aside the exparte decree dated 09.03.2017. Once the applicant / defendant had complied the decree and claimed to have settled the decree amount in full satisfaction to the decree holder, there is no necessity to set aside the exparte decree at all. If the only grievance



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of the applicant / defendant is to raise the existing attachment on his property, he could have straight away filed an application to raise the order of attachment alone. In fact, he also filed such application in A.No.2553 of 2023. If the respondent / plaintiff comes and says that he had received the entire decree amount towards full satisfaction of the decree, then, there cannot be any difficulty in raising the attachment on the property of the applicant / defendant.

4. The learned counsel for the respondent / plaintiff has sought time to get instructions with regard to full satisfaction. At his request, the matter is ordered to be listed on 07.06.2023.”

3. When the matter was taken up for hearing today, the learned counsel for the plaintiff submitted that the amount of Rs.86,75,829/- was paid by the defendant on 03.04.2023 towards the satisfaction of the decree along with interest. Hence, the plaintiff / decree holder does not have any objection to raise the attachment.



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4. Hence, the application in A.No.2553 of 2023 is allowed and the attachment is raised.

07.06.2023

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NOTE : Registry is directed to issue a copy of this order to the District Munsif Court, Alandur.



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