



**A.No.2901 of 2022**  
**in C.S.(Comm.Div.).No.140 of 2022**

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**S.SOUNTHAR, J.**

The instant application has been filed by the applicant seeking a direction to the respondents to furnish security within the time stipulated and in default to order attachment before the judgment of the property described therein.

2. According to the applicant, the applicant engaged in the business of sale of Poly Isobutylene and remnant LPG. During the course of the business, the first respondent had contacted the plaintiff for supply of remnant, LPG was also delivered to the first respondent and the same has been acknowledged and admitted by the first respondent from time to time and has raised several invoices on the first respondent based on purchase orders and requests.

3. It is also asserted by the applicant as per the running account, a sum of Rs.1,23,74,518/- was payable by the first respondent to the applicant as on 31.07.2019. The said fact was admitted by the first respondent in his letter dated 11.10.2019.



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4. It is also averred by the applicant that the respondents are attempting to create third party rights over the schedule property and to deprive the fruits of the decree likely to be passed against them in the above suit.

5. It is seen from the affidavit of service filed by the learned counsel for the applicant that private notice in this application was served on the respondents on 22.07.2022. Though counsel entered appearance, no counter has been filed sofar.

6. It is also seen from the office note put up by the Registry that the suit summons were served on the respondents/defendants on 09.09.2022 and the respondents/defendants already forfeited their rights to file the written statement on expiry of 120 days.

7. In the letter dated 11.10.2019, the first respondent admitted its liability to the tune of Rs.1,23,74,518/- and hence the applicant *prima facie* proved that the respondents owe suit amount to them.



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8. A perusal of averments found in the affidavit and documents find in the typed set especially letter dated 11.10.2019 would establish that the applicant has made out a case for grant of order for furnishing security.

9. In view of the same, this Court is inclined to direct the respondent to furnish security for the suit claim of Rs.1,05,21,013/- within a period of two weeks from today (on or before 13.07.2023).

9. List the mater for further hearing on 17.07.2023.

**30.06.2023**

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