



WEB COPY



OSA (CAD) No.78 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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1. R.Panneerselvam, Partner,
M/s Rohini Move Park
2. M/s Rohini Move Park
3. P. Jayanthi, Partner,
M/s Rohini Move park

Appellants 1 to 3 are having office at No.141/2,
Poonamallee High Road, Koyambedu,
Chennai - 107.

... Appellants

Vs.

1. J.S.Buvana Barathi,
No.56, Pudupet Garden Street,
Royapettah, Chennai-14.
2. Vinoj P.Selvam, Partner,
M/s Rohini Move Park.
3. Nikilesh Surya Partner,
M/s Rohini Move Park



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4. Rhevanthcharam, Partner,
M/s Rohini Move Park,
respondents 2 to 4 are having office at 141/2,
Poonamallee High Road, Koyambedu,
Chennai 107.

... Respondents

Prayer: Original side appeal filed under Section 13 of Commercial Act against the decree dated 24.06.2021 passed in Appln.No.1194/2021 in C.S.No.128/2020 on the file of this Court.

For Appellants : Mr.S.Packiaraj

For Respondents : Mr. S.Ravi for M/s Gupta & Ravi
for first respondent

Prayer against Respondents 2 to 4 given up.

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Court, vide order dated 24.06.2021 in A.No.1194/2020 in C.S.(Comm. Div.) No.128 of 2020, has passed an order, directing the appellants herein to furnish security for a sum of R.1,27,87,671/- on or before 24.07.2021, failing which there shall be an order of attachment of the schedule mentioned property, before judgment. As against the above said order, the present original side appeal has been filed.



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2. The learned counsel for the respondent submitted that, pursuant to the order of this Court dated 14.06.2021, as stated supra, attachment warrant and prohibitory order has been issued on 24.08.2021 and subsequently, the said attachment warrant has been executed on 16.09.2021. Hence, the prayer sought for in the appeal has become infructuous and nothing survives for further adjudication. He has also placed the copy of the attachment warrant and prohibitory order before this court.

3. The above said facts has not been controverted by the learned counsel for the appellants.

4. Inview of the above, this original side appeal is dismissed as infructuous.

No costs.

(D.K.K.J.)

(P.D.B.J.)

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