<u>C.M.P.No. 8866 of 2024</u>
<u>in A.S.No. 117 of 2024</u>

<u>R.SUBRAMANIAN, J.</u>
<u>AND</u>
<u>R.SAKTHIVEL, J.</u>

The appellant, who has lost the suit for recovery of money has come up with this appeal. Pending appeal, the appellant seeks an attachment of the properties belonging to the respondent. The Trial Court had dismissed the suit on the ground that this lending of a sum of Rs.30,00,00/- which is claimed to have been made in cash has not been supported by proper documentary evidence. The Trial Court has also observed, the appellant has not shown the lending in his income tax returns.

2.Mr.R.Vivek, learned counsel for the appellant would draw us to the documents namely, income tax returns that were filed in the suit and point out that this lending has been shown in the income tax returns of the appellant and the Trial Court was therefore, wrong. Be that as it may, the learned counsel for the respondent has filed an affidavit of the father of the respondent wherein, he has undertaken that he will not alienate an extent of 4.50 acres of land in Survey No.57/1 and 58/4 of Reddipatti Village of Magudanchavadi Sub-District, Salem District.

R.SUBRAMANIAN, J.
AND
R.SAKTHIVEL, J.

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3.In view of the said undertaking that has been offered, the interest of the appellant is well protected. Hence, we do not see any reason for passing an order of attachment. Recording the undertaking given by the father of the respondent, this Civil Miscellaneous Petition is closed.

(R.S.M., J.) **(R.S.V., J.)**
02.08.2024

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