



A.Nos.3703, 3704 & 3706 of 2022, 1992 of 2023
and 6825 of 2023 in C.S. No.74 of 2020

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ABDUL QUDDHOSE, J.

It is fairly conceded by the learned counsel for the plaintiff that the suit summons has not been properly served on the second defendant and therefore time can be granted to the defendants to file the written statement. The second defendant has not been able to file the written statement in the suit since the registry has submitted a report that the suit summons has been served on the second defendant on 07.03.2020.

2.Since the suit summons has not been duly served on the second defendant, the second defendant is directed to file the written statement on or before the next hearing date.

3.There is no representation on the side of the first defendant on various dates including today. The first defendant is therefore set exparte by this Court.

4.Learned counsel for the applicant in A.Nos.3704 and 3706 of 2022 is not pressing A.Nos.3704 and 3706 of 2022 since the applicant/second



defendant has been permitted to file the written statement. He has also made an endorsement to that effect in the court bundle. Accordingly, A.Nos.3704 and 3706 of 2022 are dismissed as not pressed.

5.A.No.3703 of 2022 has been filed by the applicant/second defendant seeking to raise the order of attachment.

6.Learned counsel for the respondents in A.No.3703 of 2022 has stated no objection for raising the order of attachment passed against the second defendant, without prejudice to the rights and contentions of the plaintiff in the main suit.

7.This Court is prima facie satisfied with the contents of the affidavit filed in support of A.No.3703 of 2022 for raising the order of attachment. Accordingly, A.No.3703 of 2022 is allowed as prayed for and the order of attachment passed against the second defendant is raised.

8.A.No.6825 of 2023 has been filed by the plaintiff seeking for reception of additional documents.



9.The second respondent/second defendant has not raised any serious objection for allowing the said application, provided the said documents are allowed to be received and marked as exhibits on the side of the plaintiff, subject to its admission, proof and relevancy. No prejudice would be caused if such a direction is issued by this Court. Accordingly, A.No.6825 of 2023 is allowed as prayed for. However, it is made clear that the documents are allowed to be received and marked as exhibits on the side of the plaintiff, only subject to its admission, proof and relevancy.

10.Registry is directed to communicate this order under by which the order of attachment passed against the second defendant's property is raised to the concerned Sub Registrar's Office.

Post the matter for filing of written statement by the second defendant on 27.03.2024.

vga

13.03.2024



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