



A.Nos.5011, 5012 & 5013 of 2023
in A.No.1540 of 2008 in C.S.No.888 of 2007

P.B.BALAJI, J.,

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These applications have been filed to raise the order of attachment passed in A.No.1540 of 2008 in C.S.No.888 of 2007 dated 01.09.2009.

2.The applicant is a third party to the suit proceedings. It is his specific case that he has purchased the property, which is subject matter of the attachment, on 05.08.2008 in and by a registered Sale Deed. A copy of the said Sale Deed is also produced by way of typed set of papers. It is seen that he has purchased the property in and by a Sale Deed dated 05.08.2008, vide Document Nos.3929 of 2008 on the file of the Sub-Registrar, Vadavalli.

3.The learned counsel for the applicant submits that the 1st respondent has filed the suit in C.S.No.888 of 2007 and in the said suit, he has also filed an application for attachment before this Court. This Court, by an order dated 01.09.2009, ordered attachment of the property which has been purchased by the applicant. It is seen that the applicant has purchased the suit property even prior to the order of attachment passed by this Court.



4. In support of his contention, the learned counsel for the applicant would also rely on the order of the learned Single Judge of this Court in A.No.2034 of 2022 in C.S.No.888 of 2007, where this Court taking into account the fact that the Sale Deed was prior in point of time, held that the property was not liable to be attached. The present applicant is also a similarly placed purchaser of a portion of the suit property that has been attached. I have no hesitation in allowing the application. The learned counsel for the respondents also submits that she has no instructions from her client and unable to access the Court.

5. In view of the same, taking into account the fact that the applicant has purchased the property by a registered Sale Deed dated 05.08.2008, prior to the order of attachment passed by this Court, I am inclined to allow all these applications. Accordingly, these applications are allowed and the order of attachments passed in A.No.1540 of 2008 in C.S.No.888 of 2007 dated 01.09.2009 is raised.

10.04.2024

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