



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.1040 of 2025
in C.S.No.1137 of 2008

Upasana Finance Limited, Represented by its Authorised Signatory,
M.Ganesan, S/o.R.S.Mani, No.51, Hunters Road, Choolai,
Chennai-600 102. ... Applicant/Plaintiff

vs.

1.M/s.Hotel Saranya Private Ltd.,
Represented by its Managing Director, S.Nagarajan,
No.8A, Oothangarai Street,
Vadiveeswaram, Nagercoil-629 001.

2.S.Saraswathy

3.S.Nagarajan

4.S.Murugan

5.S.Ganesh Kumar

6.Selvam Educational and Charitable Trust,
Represented by its Trustee Mr.S.A.Raja,
Raja Nagar, Vadakkankulam,
Tirunelveli District.

.. Respondents/Defendants



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Prayer: Application is filed under Order XIV Rule 8 of Original Side Rules Read With Order XXXIV Rule 5 of C.P.C., to order break open the locks with the aid of Tahsildar and necessary police protection in the schedule of property.

For Applicant : Mr.P.Tamilavel

Ms.N.Devi, Advocate Commissioner

ORDER

Since all six defendants failed to enter appearance upon being served suit summons, they were set *ex parte* on 10.09.2018. Thereafter, on 10.10.2018, a preliminary decree was issued directing the defendants to pay to the plaintiff the sum claimed in paragraph 21(i) of the plaint. The present application is pursuant thereto.

2. In the affidavit in support of the application, it is stated that the defendants failed to pay the amounts directed to be paid under the preliminary decree and that the plaintiff has been unable to realise the fruits of the decree. Consequently, in order to bring the mortgaged asset for sale, it is stated that an Advocate Commissioner was appointed and



that the Advocate Commissioner visited the property on 27.12.2024.

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However, in view of the door being locked, it is stated that the property could not be valued. The present application has been filed in the said facts and circumstances seeking permission to break open the lock. Since an Advocate Commissioner was appointed earlier, it is stated that the exercise of breaking open the lock and undertaking valuation would be done in the presence of the Advocate Commissioner.

3. In the facts and circumstances outlined above, this application is liable to be and is hereby allowed by permitting the plaintiff to break open the lock of the property described in the schedule to the Judge's summons in the presence of the Advocate Commissioner. For such purpose, the plaintiff is also permitted to avail of the assistance of the jurisdictional Tahsildhar and police. The said revenue and police authorities are also directed to provide necessary assistance.

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SENTHILKUMAR RAMAMOORTHY,J.

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