



WEB COPY

CMP NO. 8245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP NO. 8245 of 2024

in

AS.No.228 of 2024

E.Shankar
S/o.Ethiraj, No.21, Gangaianman Koil Street, Vadapalani,
Chennai-600026

Appellant(s)

Vs

P.Pattammal
W/o.Late N.B.Pachaiyappan, No.3, 1st Street, Lakshmi
Nagar, Porur, Chennai-600116 C.Kayalvizhi (Deceased)
and 3 Others

Respondent(s)

For Appellant(s):

Mr. R.Jayaprakash

For Respondent(s):

Mr. S.D. Venkateshwaran For R-1 To R-4

ORDER

*(Order of the Court was made by the Hon'ble **R.Subramanian J.**)*

The petitioner seeks attachment of immovable property before judgment.

2. The petitioner sued for recovery of money [refund of advance amount]



that was said to have been paid by him under an Agreement of Sale dated 05.09.2014. The claim was resisted by the defendants contending that the parties did not enter into any Sale Agreement. The Agreement dated 05.09.2014 was taken as security for repayment of a debt borrowed by the defendants. According to the defendants, the entire borrowing was repaid and on repayment of the amount, the plaintiff also returned the original title deed.

3. The Trial Court on a consideration of the evidence concluded that the claim of the defendants has been proved and only on repayment of the entire amount, the original title deed was returned to them. Now that the Trial Court has dismissed the claim of the plaintiff.

4. We see no ground to grant an order of attachment to enable the plaintiff to convert a unsecured loan into a secured loan. Hence, this petition is dismissed.

(R.SUBRAMANIAN J.) (C.KUMARAPPAN J.)
28-01-2025

kmi