



WEB COPY

O.S.A.No. 97 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

O.S.A.No. 97 of 2024
and
C.M.P.No. 11591 of 2024

S.Perumalsamy

.. Appellant

VS

1.K.M.Kishore
2.Dr.K.Raveendar

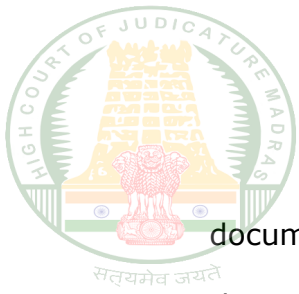
.. Respondents

Prayer : Appeal filed under Order XXXVI Rule 9 of O.S. Rule and Clause 15 of Letters Patent to set aside order dated 12.03.2024 made in A.No. 6517 of 2023 in C.S.No. 236 of 2023.

For Appellant : Ms.Preethi S Arasu
For Respondents : Mr.D.Ferdinand
for M/s. BFS Legal for R1
R2 not ready in notice

JUDGMENT
(Delivered by Dr. ANITA SUMANTH.,J)

This appeal is filed by the first defendant in suit. The plaintiff is R1 in this appeal and has filed C.S.No. 236 of 2023 seeking a judgment and decree directing the first defendant (appellant herein) to render accounts in respect of power of attorney dated 10.06.2019 duly registered as



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document no. 4539/2019 in the office of Sub Registrar, Tambaram, direct the defendants jointly to pay over the sale consideration of Rs.1,36,26,739/- (Rs.99,00,000/- being the principal and Rs.37,26,739/- being the interest at the rate of 24% per annum) and for costs.

2. Admittedly, the first respondent herein (R1) had executed a power of attorney in respect of the property at Survey No. 24/3 ad-measuring 0.18 acres at old No. 169, New no. 30, Peerkankaranai Village, Tambaram Taluk, Kancheepuram District (property / subject property). It is the case of R1 that the appellant has sold the subject property and colluded the consideration for the same. Since he has not paid on the consideration to R1, the present suit has come to be instituted praying for the relief set out in paragraph (1) supra.

3. Pending suit, the first respondent had taken an application bearing No. 6517/2023 wherein the prayer is for a direction to the appellant to furnish security to the tune of Rs. 1,36,26,739/-, being the suit claim. It is in this application that the impugned order has come to be passed by the learned Judge.

4. The learned Judge has proceeded on the admitted position that the suit property has been sold by the appellant, which position has been acceded to the appellant in his reply affidavit at paragraph 11 thereof. In such circumstances, we find nothing untoward in the direction of the learned Judge for security to be furnished.

5. Though learned counsel for the appellant would seek to advance submissions in regard to the merits of the suit claim itself, such



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submissions would be premature at this juncture as it is for the parties to subject themselves to trial in the course of which requisite submission would be considered. Moreover, it would be unnecessary to consider submissions on merits for the purpose of the present appeal as the requisite details necessary to decide this appeal have been taken note of us in the paragraphs supra. We reiterate that we see no reason to intervene in order dated 12.03.2024 and confirm the same.

6. This Original Side Appeal is dismissed. The appellant is directed to comply with the directions of learned Judge under impugned order dated 12.03.2024 forthwith and in any event within a period of two (2) weeks from date of receipt of a copy of this judgment. No costs. Connected miscellaneous petition is also dismissed.

[A.S.M., J] [C.K., J]
11.03.2025

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Original Side
Sub Assistant Registrar,
High Court, Madras.



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DR. ANITA SUMANTH.,J.
and
C.KUMARAPPAN.,J.

ssm

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