



A NO. 2460 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 2460 of 2024

IN

CS NO. 49 OF 2018

Mr.R.Thirumalai, prop.Vasanthi
Agencies, 167 Thambu Chetty Street, Ground Flr, Chennai-1
residing at AJ 132 Shanthi Colony, 9th Main Rd, Anna Nagar,
Chennai 40

Applicant(s)

Vs

K.R.Seethapathy
S/o Raju Naidu, NO.1, Deivasigamani Nagar, Munusami Avenue,
Kancheepuram Town, Kancheepuram District and 2 Others

Respondent(s)

For Applicant(s): Mr.A.Babu

For Respondent(s): Mr.R.Rangarajan for D1 to D3

Mr.R.Vinoth Raja
Government Advocate

ORDER

The present application had been taken out seeking to attach the properties.

2.Originally, an order of injunction had been granted in O.A.No.85 of 2018. On the



undertaking given by the defendants, the said order was also directed to be carried out by the respondents 1 to 3.

By an order of this Court in A.No.7299 of 2019 dated

18.02.2019, this Court had recorded prima facie satisfaction that there has been a violation of

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the orders passed by this Court. Thereafter, the applicant had taken out two applications in A.Nos.2459 & 2460 of 2024. The said applications have been repeatedly listed and no counter was filed by the respondents herein. Recording the same and also recording that there has been no instruction to the learned counsel appearing on behalf of the respondents, this Court in A.No.2459 of 2024 had held that a willful disobedience of the orders of this Court was committed with an intention to defeat the interest of the applicant/ plaintiff. Hence, had issued a bailable warrant to secure the respondents 1 to 3 to answer as to why they should not be confined for their willful disobedience.

3. When the applications were taken up on 02.01.2025, the second and third respondents were present before this Court and this Court not having been satisfied with their explanation had ordered civil arrest of the second respondent for the reasons indicated therein. The said order was made by this Court on 02.01.2025.

4. On 23.01.2025, recording the non-compliance, the warrant was directed to be executed.

Thereafter, the matter has been listed on 12.02.2025, 17.02.2025, 24.02.2025, 27.02.2025 and



04.03.2025. The said warrant had not been executed by the jurisdictional police report

had also been filed by the jurisdictional police indicating that the warrant could not be

executed as they were not able to trace the second respondent.

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5. Even today, the second respondent is not present before this Court, however, it is the contention of the learned counsel appearing for the respondents that an Intra Court Appeal had been preferred challenging the order dated 02.01.2025. It is to be noted that this Court in its order dated 28.11.2024 had found that the respondents are guilty of willful disobedience. The said order seems to have not been challenged by the respondents. Only the order dated 02.01.2025 imposing the punishment had been challenged.

6. Be that as it may, the conduct of the respondents is writ large from the various orders passed by this Court and no counter had been filed by the respondents till date. In view of the conduct of the respondents recorded in the various orders, this Court do not find any impediment in ordering the application as prayed for.

7. In such view of the matter there shall be an order of attachment as prayed for. Accordingly, this application stands allowed.



8.Learned counsel for the plaintiff is directed to pay necessary batta for the same

Registry is directed to mark a copy of this order to the Sub-Registrar, Sriperumbudur to

enable him to make necessary entry in the register.

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17-03-2025

Gba

Note:- Issue order copy on 17.03.2025

To

1. K.R.Seethapathy

S/o Raju Naidu, NO.1, Deivasigamani Nagar, Munusami Avenue,
Kancheepuram Town, Kancheepuram District

2. S.Sathiendar

s/o K.R.Seethapathy, No.1, Deivasigamani Nagar, Munusami Avenue, Kancheepuram
Town, Kancheepuram Dist

3. Tmt.S.Pramila

w/o of Sudhakar, No.17, Kanniaiah Naidu Street, T.Nagar, Chennai 17