



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1268 of 2025

in A.No.4573 of 2008

Reggena Sultana
Somaseswaran Koil Street, Anaimalai,
Pollachi.

Appellant(s)

Vs

Indus Ind Bank
Represented by its Executive Legal
A.Ganeshkumar, No.116, G.N.Chetty
Road, T.Nagar, Chennai 600 017.

Respondent(s)

PRAYER

To raise the order of attachment dated on 23/12/2008 made in A.No.4573 of 2008 attaching the immovable property morefully described in the scheduled to the Judges Summons and copy of the order raising attachment be transmitted through District, Munsif Court, Pollachi and communicated to the registering officer viz the Sub Registrar, Sub Registrar Office, the Local limits of whose jurisdiction the whole or any part of the immovable property in situated.



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For Appellant(s): M/s.R Angala Parameshwari

For Respondent: Mr.P.Stephenraj
for Mr.S.R.Sundar

ORDER

This application has been filed to raise the attachment pursuant to the earlier order passed by this Court on 23.12.2008 in A.No.4573 of 2008.

2.Heard the learned counsel for the applicant and the learned counsel appearing on behalf of the respondent.

3.The order passed on 23.12.2008 is extracted hereunder:

The application is to direct the respondent furnish security to a sum of Rs.1,33,689.32 failing which an order of attachment of the schedule mentioned property may be passed.

2. The case of the applicant is that the applicant extended financial assistant to the respondent for the purchase of Mahendra Champion. It is further stated that the respondent failed to make prompt payment of Instalments on due dates. More over, no payment had been made after 30.4.2006 and the default continues till date. Efforts taken by the official of the applicant to locate the secured asset were failed due to the reason that the respondent has shifted the asset in order to escape from the legitimate due of the application. In the circumstances, the application has been filed.



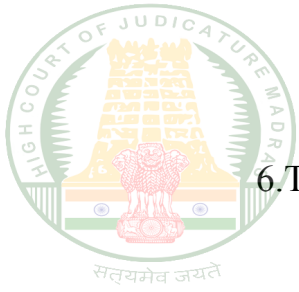
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3. In spite of service of notice, there was no representation on behalf of the respondent. Satisfied with the prima facie case made out by the applicant, there shall be an order directing the respondent to furnish the security for a sum of Rs.1,33,689.32 within a period of four weeks from today, failing which, the property belonging to the respondent, viz., the piece and parcel of land in Aanaimalai Village comprising in S.No. 817/18 measuring an extent of 0.15.5 hectares and S.No. 817/2B measuring an extent of 1.27.5 hectare in all totalling to an extent of 3.63 acres together with a well and its motor shall stand attached.

4.Pursuant to the above order, the applicant seems to have approached the respondent bank and had offered to settle the entire amount. Accordingly, the entire amount was settled and the respondent bank has also given no objection certificate dated 28.07.2205. The learned counsel appearing on behalf of the respondent bank also confirmed this fact.

5.In view of the above, the order of attachment passed by this Court on 23.12.2008 in A.No.4573 of 2008, is hereby raised and this order shall be produced before the concerned Sub Registrar Office and necessary entry shall be made in the encumbrance certificate.



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6. This application is disposed of with the above directions. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

KP



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To

Indus Ind Bank

Represented by its Executive Legal

A.Ganeshkumar, No.116, G.N.Chetty

Road, T.Nagar, Chennai 600 017.



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N.ANAND VENKATESH J.

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