

STATE OF KERALA
IN THE COURT OF SUBORDINATE JUDGE, KOYILANDY,
Present:- Smt. Priyanka.S., Subordinate Judge.
Monday the 3rd day of November, 2025.

IA No. 2/2024 in OS No.47/2024

Between:

Fousiya. T.K,
D/o Moidy, aged 42 years, Swastham,
“ Elevana Meethal” House, Naderi(PO)-
673 620-PIN, Naderi amsom desom,
Arikkulam Village, Koyilandy Taluk,
Kozhikode District.

Petitioner
Plaintiff

And:

Nadeera,
W/o Sainual Abeed, aged 42 years,
Business, “ Bargaivas” House, Naderi(PO),
673 620-PIN, Naderi amsom desom,
Arikkulam Village, Koyilandy Taluk,
Kozhikode District.

Respondent
Defendant

This petition coming on this day for hearing before me in the presence of Sri. P. Prasanth & Sri. Anuraj. P, Aodvocates for the petitioner/Plaintiff and of Sri. Rajesh. E, Advocate for Respondent/ Defendant and the court passed the following:

ORDER

This IA has been filed by petitioner/ plaintiff under Order XXXVIII Rule 5 of CPC with a prayer seeking attachment over petition schedule property.

A conditional order of attachment was passed over the property on 20.11.2024.

Notice was issued to respondent / defendant to furnish security.

Though respondent /defendant entered appearance and opposed the prayer, no written objection was filed.

Both sides were heard.

The suit is for realization of an amount of ₹ 20,00,000 from the respondent for the loan availed by her for business purpose, from the petitioner. Though respondent informed petitioner that entire amount would be paid by 2024, she failed to return the same. Respondent Issued a cheque in favour of petitioner. On presentation, the cheque was dishonoured for the reason 'Drawyer's signature differs and funds insufficient'. Petitioner received reliable information from one Mr. Moyideen and Mr. Narayanan that respondent has been making hasty steps to alienate the property. It is prayed that the petition schedule property may be attached.

Amin filed report stating that the property was attached. Respondent did not furnish any security.

It is seen that petitioner has a prima facie case in her favour. The affidavit in support of the IA would go to show that respondent availed loan from the petitioner. If an order of attachment is not passed there is every chance for removing the property, which would affect the very purpose of this suit. In the light of above circumstances, it is only just and proper to make the conditional order of attachment dated 20.11.2024 as absolute.

In the result, **IA stands allowed** by making the conditional order of attachment passed on 20.11.2024 as absolute. No order as to costs.

(Dictated by me to the dictation software on the 3rd day of November,2025)

sd/-

Sub Judge

// True copy//

Sub Judge

Fair/copy of order in IA No. 2/2024 in
OS No.47/2024: dated 03.11.2025