

IN THE COURT OF THE MUNSIFF, PUNALUR
 PRESENT :-Smt. Reshma R.S CIVIL JUDGE (Junior Division)
 Friday the 22nd day of August, 2025, 31st day of Sravana ,1947

IA 1/2024 in OS 195/2024

Between

Petitioner/Plaintiff : Archana R Pillai, aged 42 years,
 W/o.Biju, Madathil Veedu,
 Pidavoor Village, Pathanapuram Taluk

(By Adv.Sabitha Mohan)

And

Respondants/Defendants:

1. Haritha,aged 40,
 W/o.Rakesh, Thulasi Vilasam,
 Manchalloor, Pidavoor Village,
 Pathanapuram Taluk
2. Rakesh, aged 45,
 Thulasi Vilasam, Manchalloor,
 Pidavoor Village, Pathanapuram Taluk
3. Haridasan Pillai, aged 60,
 Thulasi Vilasam, Manchalloor,
 Pidavoor Village, Pathanapuram Taluk

(By Adv. P.C. Sivaraja Pillai (D1, D3))

This Petition is coming on for hearing before me on 22.08.2025 and on the same day Court Passed the following.

ORDER

Application filed under Order XXXVIII Rule 5 and section 151 of the Code of Civil Procedure Code, 1908.

2. **The applicant's case, in brief, is as follows:-** The applicant is the plaintiff in the suit. The respondents are the defendants. The applicant and respondents are acquainted with each other. The 2nd and 3rd respondents

are working abroad. The applicant's husband was abroad till 2006. Thereafter he came to home town. Thereafter the applicant's husband was making preparation to go abroad again. At that time the respondents approached the applicant's husband and assured that they would arrange a job for him. On 10/01/2021, the respondents demanded the photocopy of the pass port and photographs of the applicant's husband. The required documents were handed over to the 1st defendant at their residence. Thereafter the respondents made the applicant and her husband believe that a job was arranged with a monthly salary of Rs.70,000/- and required to give an amount of Rs.2,00,000/- as the expanses of visa and flight ticket. Accordingly on 19/11/2020 the applicant paid an amount of Rs.1,00,000/- to the respondents and on 30/12/2020 paid an amount of Rs. 1,40,000/- to the respondents. The respondents assured that visa and flight ticket would be ready within one week. But the respondents were cheating the applicant and her husband. No job was arranged and the amount given was not repaid. Even though the applicant and her husband demanded Rs.2,00,000/- back. But the respondents were not amenable. On 06/03/2024, the applicant sent a legal notice requiring the repayment of the amount. On 24/03/2024, the respondents sent a reply notice. Despite the same, the repayment was not made. Now it is reliably learnt that the respondents are trying to alienate the plaint schedule property with an intent to defeat the decree that may be passed against them. If the

respondents succeed in their attempt, the applicant will be put to irreparable injury and hardships. Hence, this application.

3. Even though the respondents entered appearance, did not file any objection.

4. Heard and perused all the available records.

5. The only point to be considered is whether this application can be allowed?

6. **The point:** It is to be noted that on 20/09/2024, this court conditionally attached the plaint schedule property and directed the respondents to furnish security for an amount of Rs.2,58,000/-. But the respondents failed to show cause why they should not furnish security. Further, they also failed to furnish security as directed till date. The Hon'ble High Court of Kerala in **Skoda Auto India Pvt. Ltd., Maharashtra v. M/s. St. Antony's Trading Company and Others** reported in ILR 2018 (1) Ker. 1025 held that; **"Order 38 Rule 6(1) of the Code provides that where the defendant fails to show cause why he should not furnish security, or fails to furnish security require, within the time fixed by the court, the court may order that the properties specified, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached."** In the light of the above referred decision and on perusal of the affidavit filed along with this IA, I am of the view that the property scheduled can be attached in the interest of justice.

In the result; the property specified in the schedule is attached under Order XXXVIII Rule 6(1) CPC.

Communicate the order to the Sub Registrar Office and the Village Office concerned.

Pronounced in open court on this the 22nd day of August 2025.

Sd/-
CIVIL JUDGE (Junior Division)

Appendix:Nil

Id/-
CIVIL JUDGE (Junior Division)

//True Copy//

Typed by : Sobhy.N

Compared by :

CIVIL JUDGE (Junior Division)