

I.A.No.1/2026 in O.S.43/2026

(Or38 R5 of CPC)

Date:09.09.2026

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent/defendant.

The present petition has been filed under Order XXXVIII Rule 5 of the Code of Civil Procedure, seeking an order of attachment before judgment in respect of the properties belonging to the respondent/defendant, as described in the petition, towards the suit claim of Rs.20,37,500/-, together with costs and subsequent interest, and for issuance of notice in Form No.6(A) of the Code of Civil Procedure, calling upon the respondent/defendant to furnish security, and in default thereof, to order attachment before judgment of the petition-mentioned properties.

Notice was duly served on the respondent/defendant, who entered appearance through counsel. While the matter was pending for filing of counter, the respondent/defendant filed an Undertaking Affidavit dated 30.06.2026, undertaking that, till the disposal of the suit, he would not create any mortgage, charge, alienation, encumbrance or any third-party interest in respect of the petition-mentioned property.

Along with the said Undertaking Affidavit, a Memo was also filed on behalf of the respondent/defendant, wherein it has been stated

that, even prior to the institution of the suit, the respondent/defendant had availed a loan from LIC Housing Finance Limited, Dindigul, and that a Memorandum of Title Deed was registered on 19.02.2024 as Document No.635/2024. The Encumbrance Certificate evidencing the said encumbrance has also been produced along with the Memo.

It is further stated in the Memo that the respondent/defendant has already filed an Undertaking Affidavit before this Court, undertaking not to create any further encumbrance whatsoever in respect of the petition-mentioned property.

In view of the undertaking given by the respondent/defendant and the statement made by the petitioner. Upon reporting the undertaking affidavit, this petition is closed, giving liberty to the petitioner to approach this court in the event of any violation of the undertaking.

Accordingly, this petition is closed. No costs.

Additional District Judge,
Dindigul.