

IN THE COURT OF THE SUBORDINATE JUDGE, OMALUR
SALEM DISTRICT

Present: Thiru Gnana Balakrishnan, B.Sc., B.L.,
Subordinate Judge, Omalur
Wednesday, the 30th day of April 2025
I.A.No.2/2025 in O.S.No.116/2025

Govindan Petitioner/plaintiff

/versus/

Bakkiamma Respondent/Defendant

This petition is coming up for final hearing before this court in the presence of Learned counsel Thiru T.S.Mahenthyan, B.A.,B.L., for the Petitioner/plaintiff, the Learned counsels Thiru G. Prabu B.A., B.L., for respondent/Defendant and upon hearing both side arguments and upon perusing the case records and having stood over for consideration till this day, this court passed the following...

ORDER

1. The petitioner/plaintiff has filed the above application under order 38 Rule 5 CPC for attachment of properties belonging to the respondents before Judgment.

2. **The brief averments of the Petitioners Affidavit is as follows:**

The petitioner has filed the above suit for recovery of amounts due under the suit promissory note, as against the respondent. The respondent has approached the petitioner for financial help and borrowed a sum of Rs.4,00,000/- from the petitioner on 15.10.2023 for urgent need and to evidence the said borrowal, the respondent has executed a demand promissory note, in favour of petitioner. The

respondent has agreed to repay the said amount together with interest at the rate of Rs.2.00 per hundred per month, either to the petitioner or to his order on demand. On repeated demands made by the petitioner in person, the respondent has not paid any single amount to the petitioner and she has been postponing his lawful and legitimate demands. The respondent is trying to dispose off her immovable property to third parties and speedily making arrangements to dispose off her immovable property and to settle somewhere else with the sale proceeds. The act of the respondent itself shows that she has no idea of repaying the amounts to the petitioner and she is intention of cheating the petitioner amount. The petition mentioned property belongs to the respondent by virtue of registered partition sale deed dated 24.08.2012, bearing document No.4277/2012 of Tharamangalam Sub Registrar Office. The respondent has been secretly making arrangements to dispose off the immovable property. Therefore, necessity has arisen for the petitioner to file this petition seeking an order of attachment before judgment in respect of the petition mentioned property. Hence this petition.

3. Point for consideration is whether the property is liable to be attached before Judgment?

4. Point:

Heard, records perused. The petitioner side stating that the respondent is to trying to dispose the petition mentioned property. The respondent has filed security is not sufficient, The respondent side undertake ready to produce the original document. But she is not produced the said document. The petitioner counsel argued that the respondent is trying to dispose the property. If the attachment order is not passed, the petitioner suffer great loss. Hence, in the interest of justice, this court inclined to allow this application.

In the result, Attachment is ordered. Intimation to SRO by 10.06.2025.

Order directly dictated to the steno-typist and she had typed in computer and taken print out and after rectification of mistake, Pronounced by me in open court this the 30th day of April 2025.

Sd./- Gnana Balakrishnan
Subordinate Judge,
Omalur.

**Fair / Draft Order in
IA No.2/2025
in
O.S.No.116/2025
Date: 30.04.2025**

