

O.s.A.No.243 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.243 of 2019

T.G.K.Global Consultants
Rep By Its Proprietor T.G.Krishnamurthy,
S/o Gangappa Naidu,
No.60 Giri Road, T.Nagar, Chennai-17

Appellant(s)

Vs

A.M Ponnuswamy
No.218, Kunnawakkam,
No.37 Pillaiyarkoil Street,
Chengalpet - 2 and 2 Others

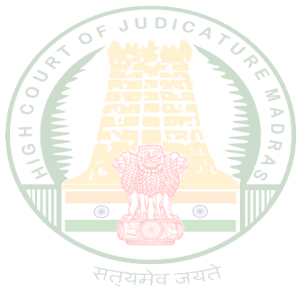
Respondent(s)

For Appellant(s):

Mr.P.K.Harinath Babu

For Respondent(s):

Mr.Sankar Ramasamy for R1
R2 and R3 - No appearance



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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

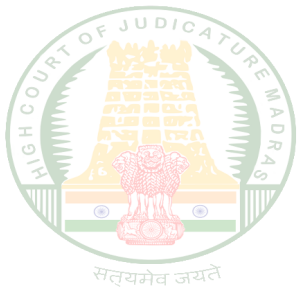
Counsel states that mediation attempt failed.

2. Paragraphs 3 and 4 of our order dated 3rd December, 2024, read as under:

“3. The application is before us, in which applicant seeks to provide a property, namely a flat standing in his name, registered on 29.11.2019 bearing Document No.1239 of 2019 on the file of the Joint-I SRO, Central Chennai, as security. It is stated that the value of the property as on 14.11.2019, the date on which the affidavit is affirmed, is Rs.1 Crore. We do not find a copy of the document.

4. Shri Rajagopal states a further affidavit will be filed enclosing thereto a copy of the document within one week from today. Shri Rajagopal states the original document will be given for inspection to first respondent during the course of this week and the original documents will be brought to the court on the next date.”

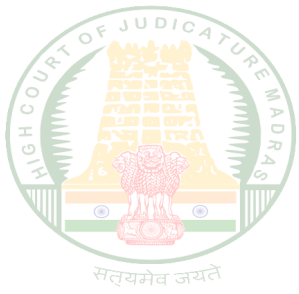
3. Appellant's counsel states he is having difficulty in getting proper instructions because appellant is 85 years of age and his son, who gives him instructions, is based in America. Counsel states that the matter be taken on 10.03.2025 because Shri S.R.Rajagopal, who is instructed to appear, is available only on that date.



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WEB COPY 4. We were informed that there is an affidavit dated 10th January, 2025 filed by appellant apparently in compliance with our direction given on 3rd December, 2024. We are afraid it is not in compliance with the direction given, for two reasons – (a) the affidavit does not have the document, referred to in paragraph 3, annexed to the affidavit; and (b) the affidavit has not been filed within one week of 3rd December, 2024. It is over a month later. Counsel has no explanation to offer, except to keep repeating “I am sorry”.

5. The affiant, T.G.Krishnamurthy, who is appellant, though is stated 88 years of age, appears to be in sound health. We say this because he has affirmed the affidavit. At the same time, the affiant should have read the order and should have ensured that the affidavit was in compliance with the order of this Court. Therefore, in view of his advanced age, we decide against issuing a notice to appellant calling upon him to show cause as to why omission on his part should not be viewed as willful disobedience, but, at the same time, in our view, appellant should be put to terms.



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6. We permit appellant to file a further affidavit enclosing copy of the document referred to in paragraph 3 of the order quoted above and this affidavit shall be affirmed before the Commissioner of Oaths in this High Court and copy served on respondent before the end of this week.

7. We would accede to the request of appellant's counsel and schedule the matter for hearing on 10.03.2025, but, for today's adjournment certainly appellant has to be saddled with costs. We direct appellant to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs and this amount shall be paid within one week to the following account of the Tamil Nadu State Legal Services Authority:

“TNSC Bank Account No.201300879
Head Office (SER) Branch, N.S.C. Bose Road, Chennai.
IFSC No.TNSC0000001”

Stand over to 10.03.2025.

(K.R.SHRIRAM, C.J)

(MOHAMMED SHAFFIQ, J.)

17.02.2025

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