

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No. 691 of 2015
and M.P.No.1 of 2015

Saiseva Jyothi

.. Petitioner

Versus

Dewan Housing Finance Corporation Limited
Branch Office at Kalpathika Towers
Old No.24, New No.36
III Floor
Dr.Ambedkar Road
(Ashok Nagar Main Road)
Kodambakkam
Chennai-600 024
Rep. by its Authorized Officer
Mr.A.Devarajan.

.. Respondent

Criminal Revision Case filed under Sections 397 and 407 of Cr.P.C. against the order passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai-8, in Crl.M.P. No. 748 of 2015, dated 07.03.2015.

For Petitioner : Mr.T.Surendran

For Respondent : Mr.S.S.Rajesh

सत्यमेव जयते
ORDER

The petitioner is the legal heir of deceased mortgagor and guarantor late Ravi Shankar Prasad Akkineni. The deceased mortgagor along with other mortgagors defaulted in payment of monthly instalments. Hence, the respondent/mortgagee issued a statutory notice. Even after the receipt of the same, the dues were not paid. The respondent took symbolic possession of the secured assets and he has delivered possession notice. Thereafter, the respondent has filed a petition in Crl.M.P.No.748 of 2015 under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before this Court to pass an order, to enable him to take possession of the secured assets. The said petition was allowed by order dated 07.03.2015. Aggrieved against the same, the petitioner, who is the legal heir of deceased mortgagor, has filed this Criminal Revision Case.

a tenant of one of the mortgagor/second respondent in Crl.M.P.No.748 of 2015 has filed a Writ Petition in W.P.No.17840 of 2015 before this Court and the Division Bench of this Court by order dated 21.07.2015 has set aside the impugned order dated 07.03.2015 passed in Crl.M.P.No.748 of 2015 and hence, he seeks the permission of this Court to withdraw this Criminal Revision Case.

3. At this juncture, I have to state that when the matter was taken on 10.07.2015, learned counsel appearing for the petitioner has submitted that the petitioner is prepared to deposit 25% of the actual amount due and payable to the respondent on her own accord. On the basis of the said representation made, interim stay was granted on condition the petitioner shall deposit a consolidated sum of Rs.20,00,00,000/- (Rupees Twenty Crores only) to the respondent within a period of four weeks. Now, the petitioner without depositing the amount as agreed upon is now attempting to take umbrage under the order passed by the Division Bench of this Court in W.P.No.17840 of 2015, dated 21.07.2015, which has set aside the impugned order dated 07.03.2015 passed in Crl.M.P.No.748 of 2015, and seeks the permission of this Court to withdraw this Criminal Revision Case. The learned counsel has also made an endorsement to that effect. Accordingly, this Criminal Revision Case is dismissed as withdrawn. Consequently, connected Miscellaneous Petition is closed.

paa

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

The Chief Metropolitan Magistrate,
Egmore,
Chennai-8.

+1 cc to Mr.S.S.Rajesh, Advocate, sr.42374

Crl.R.C. No. 691 of 2015

vd(co)
kra(3/9)