

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.Nos.102, 103, 151, 152 and 241 of 2011

RM.Andiappan @ Lakshmanan.. Appellant in OSA.No.102 of 2011
AN.Shanthi .. Appellant in OSA.No.103 of 2011
A.Kannan .. Appellant in OSA.No.151 of 2011
B.K.Munusamy .. Appellant in OSA.No.152 of 2011
V.Mohan Srinivasan .. Appellant in OSA.No.241 of 2011

versus

1.Indian Bank
ARMB - II, represented by its
Assistant General Manager,
No.55, Ethiraj Salai,
Chennai 600 008.

2.Manohar Prasad, Proprietor,
M/s.Asian Capital Consolidated Fund,
No.2, Sarangapani Street,
T.Nagar, Chennai 600 017.

3.J.D.A.Consultancy Services Pvt., Ltd.,
rep. by its Managing Director,
Case Blanks Complex, 1st Floor,
Egmore, Chennai 600 006.

4.Adhimoolam

5.Kannamal

6.Muniammal

7.Padmavathy

8.Iyyakannu

9.Navaneetha Ammal

10.Baby Ammal

11. Subramani

12.Saroja Ammal

13.Ramesh

14.Murugappa Naicker

15.Ganagaduri Naicker

16.Murugesu Naicker

17.Kuppuswamy Naicker

18.Subramaniya Naicker

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19.Elumalai Naicker
R.4 to R.19 rep. by Power of Attorney Agent
P.L.Sundaram, Proprietor of Palaniappa Estates
22/77, Venkatarathinam Nagar, Adyar, Chennai 600 020.

20.M/s.Ravishankar Industries (P) Ltd.,
rep. by its Managing Director
(formerly known as Ravishankar Films (P) Ltd.,
No.2, Sarangapani Street,
T.Nagar, Chennai 600 017.

21.Manohar Prasad

22.M/s.Asian Capital Consolidates
and Housing Pvt., Ltd., rep. by its
Managing Director,
T.Nagar, Chennai 600 017. ... Respondents in all the OSAs

Appeals filed under Order 36 Rule 1 of Original Side Rules
read with Clause 15 of the Letters Patent Act, against the Order
dated 17.08.2009 in O.A.No.1171, 1267, 1193, 1172 and 1279 of
2008 in C.S.No.1043, 1095, 1054 and 1119 of 2008 and C.S.No.
1044 of **2008.***

For Appellants .. Mr.P.T.Rakesh in all OSAs
For Respondents .. No appearance

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief
Justice)

Mr.Vineeth Subramaniam, learned counsel appearing for the
third respondent/auction purchaser mentioned the matter in the
morning that he had already given change of vakalat. We however
find that no other vakalat has been filed.

2. The appeals are directed against the impugned order
dealing with the interim prayer for injunction by persons who
claimed to have purchased the mortgaged property and are in
possession thereof. Insofar as the bank is concerned, it has
already appropriated the amount and settled the accounts and
issued sale certificate.

3. The lis is thus really between the appellants and the
third respondent. The suits are stated to be now transferred to
the City Civil Court and are pending there.

4. In view of the aforesaid position, we are of the view
that in the absence of the third respondent, it would be
appropriate to direct that the interim arrangements made on

15.12.2011 to the effect that the third respondent/auction purchaser will not take coercive steps to dispossess the appellant would continue to operate till the disposal of the suits.

5. The Original Side Appeals are accordingly disposed of, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS V)
dt. 26/09/2016

Corrected as per letter dated 07.10.2016

Sd/-
Asst.Registrar (CS V)
dt. 20/10/2016

/true copy/

Sub Asst. Registrar

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1 cc to Mr.Pl.Narayanan,advocate,sr.52454

To be substituted
to the order already
despatched on
28.09.2016

+1 cc to Mr.G.Hariharan Arun Soma Sankar,
advocate,sr.52434

+1 cc to M/s.Aiyar&Dolia, advocate,sr.52266.

trm(co)
krd 27/9
EU 21.10.2016

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