

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

C.M.A.No.995 of 2017 and
C.M.P.No.4909 of 2017

B.Vishnu Priya

... Appellant (plaintiff)

Vs.

1.The Manager,
Indian Bank, Singanallur Branch, Coimbatore.

2.The Manager,
Indian Bank,
Asset Recovery Management Branch,
Variety Hall Road, Coimbatore. ... Respondents (Defendant)

Appeal filed under Order XLIII Rule 1(r) of the Code of Civil Procedure against the final and decretal order dated 06.03.2017 in I.A.No.68 of 2017 in O.S.No.313 of 2016 on the file of the Additional District Court-III, Dharapuram, Tirupur District.

For Appellant : Mr.B.Thilak Narayanan

For Respondents : Mr.V.Kalyanaraman for M/s.Aiyar &
Dolia (R2)

J U D G M E N T

The learned counsel for the appellant sought the permission of this Court to withdraw the appeal with liberty to move the Debt Recovery Tribunal to establish her right. The learned counsel has also made an endorsement to that effect.

2.In view of the same, the Civil Miscellaneous Appeal is dismissed as withdrawn.

3.It is open to the appellant to approach the Debt Recovery Tribunal seeking for appropriate relief in the pending SARFAESI proceedings on the file of the Debt Recovery Tribunal, Coimbatore, in accordance with law. In the event of the appellant not pressing the relief against the bank in O.S.No.313 of 2016 on the file of the Additional District Court-III, Dharapuram, Tirupur District, the trial Court is directed to dispose of the suit on merits and in accordance with law within six months from the date of receipt of a copy of this judgment.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Court-III,
Dharapuram, Tirupur District

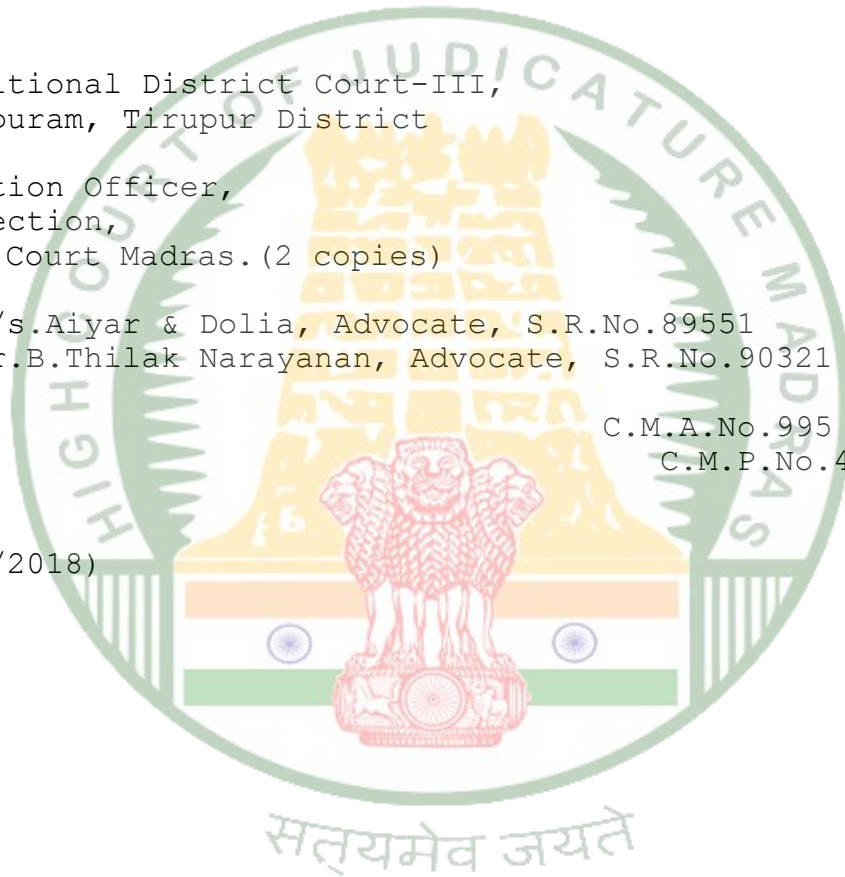
2.The Section Officer,
V.R.Section,
High Court Madras.(2 copies)

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.89551

+1cc to Mr.B.Thilak Narayanan, Advocate, S.R.No.90321

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SV(CO)
RRK(17/01/2018)



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