

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.08.2017
CORAM:
THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.Nos.137 & 138 of 2014
and
M.P.No.1 of 2014

1.B.Venkataraman
2.Lalitha
3.Mrs.Banumathi
4.Mrs.Subashree

.... Appellants in
both O.S.As'

vs.

1.M/s.Indian Bank,
Asset Recovery Management Branch,
Rep. By its Chief Manager,
55, Ehiraj Salai, Chennai - 600 008.

2.Mr.S.Ebruramusa
3.K.K.Thirumurugan
4.M.A.Tazu

.... Respondents in
both O.S.As'

Appeals filed under Order XXXVI Rule 9 of O.S.Rules read with Clauses 15 of the Letters Patent against the order dated 28.04.2014 made in A.Nos.4920 /2011 and 1456 of 2012 in C.S.No.634 of 2010.

Application No.4920/2011:filed under order VII Rule 11 of CPC r/w order 14 Rule of OSA Rules to reject the plaint filed in C.S.No.634/2010.

Application No.1456/2012: filed under order VI Rule 17 of CPC r/w 14 Rule 8 of OSA Rules to amend the pleading

For Appellants : Mr.K.V.Subramaniam, Senior Counsel
(In both O.S.As') for Mr.R.Kannan

For Respondents : Mr.T.V.Ramanujam, Senior Counsel
(In both O.S.As' for Mr.T.Sundar Rajan for R1
Mr.N.C.Ramesh, Senior Counsel
for Mr.N.Damodaran for R2
Mr.S.R.Rajagopalan for R3 & R4

COMMON JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. After some arguments, learned counsel for the appellants seek to withdraw the appeals.

1.1. The only apprehension of the learned Senior Counsel is that the time spent herein may not be excluded, if recourse is taken to a statutory remedy under Section 17 of the SARFAESI Act.

2. We are sure that the concerned Tribunal will take into account the fact that the appellants were attempting to agitate a point, which for good reason the learned single Judge did not find sustainable.

3. The appeals, as prayed, are dismissed as withdrawn with liberty to take recourse to an appropriate statutory remedy, albeit, in accordance with law. Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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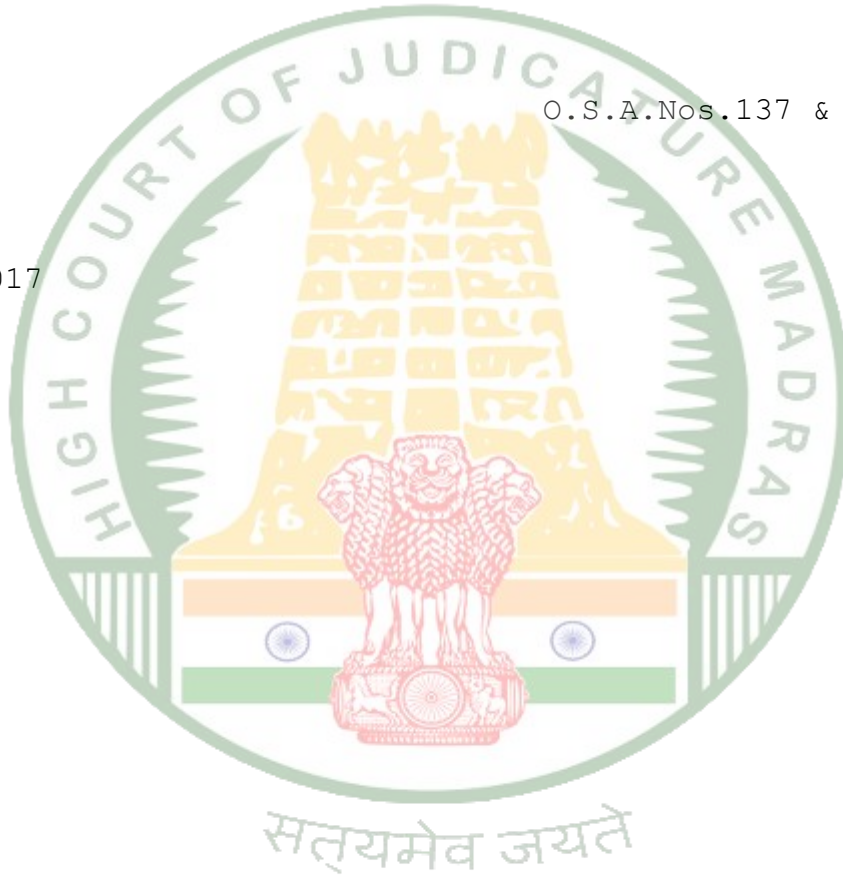
To

1.The Sub Assistant Registrar
Original Side,
High Court Madras-600 104

+2 ccs to Mr.N.Damodaran Advocate sr 59515
+1 cc to Mr.R.Kannan Advocate sr 59455
+1 cc to Mr.T.Sundarrajan Advocate sr 59388

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