

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Eighteenth day of May Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE R.MAHADEVAN

AND

THE HON`BLE MR JUSTICE M.GOVINDARAJ

WMP NoS.13507 & 13508 of 2017

IN WP.10927/2017

D.SOODAMANI

[PETITIONER IN BOTH THE PETITIONS]

Vs

VIJAYA BANK

[RESPONDENT IN BOTH THE PETITIONS]

REP BY CHIEF MANAGER / AUTHORIZED

OFFICER, ASSET RECOVERY MANAGEMENT

BRANCH, NO.144, MOORE STREET, CHENNAI 10

Petitions praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

i) To amend the prayer in W.M.P. No.11895 of 2017 in W.P. No. 10927 of 2017 as To grant an order of interim injunction, restraining the respondent Bank from proceeding against the property of the petitioner measuring an extent of 944 sq.ft., bearing Old Door No.2/24, New Door No.94, Jayavinayagar Koil Street, Jaganathapuram, Chetpet, Chennai-600 031, pending disposal of the above writ petition INSTEAD OF to grant an order of interim injunction, restraining the 1st respondent herein, their subordinates, men and agents, from forcibly evicting the petitioner from the property bearing Door No.8/88B, Chidambaranathan Street, C-Pallavaram, Chennai-600 043 in (WMP No.13507/2017 in IN WP.10927/2017)and;

ii) Modify the order dated 28.4.2017 in W.M.P. No.11895 of 2017 in W.P.No.10927 of 2017 in (WMP No.13508/2017 in IN WP.10927/2017) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.G.ARUL MURUGAN, Advocate for the petitioner in both the petitions the court made the following order:-

These miscellaneous petitions are filed seeking correction of the description of the property mentioned in prayer clause of W.M.P.No.11895 of 2017, which was inadvertently typed as Door No.8/88B, Chidambaranathan Street, C-Pallavaram, Chennai 600 043, instead of Old Door No.2/24, New Door No.94, Jayavinayagar Koil Street, Jaganathapuram, Chetpet, Chennai-600 031 and accordingly, to modify the order dated 28.04.2017 passed in W.M.P.No.11895 of 2017.

2.The learned counsel appearing for the petitioner regretted for the inadvertent mistake committed in the prayer clause of W.M.P.No.11895 of 2017 filed along with the writ petition, on which basis, the interim order was passed on 28.04.2017 granting interim injunction in respect of evicting the petitioner from the property mentioned therein. He, therefore, seeks to amend the prayer clause of W.M.P.No.11895 of 2017 in respect of the property and seeks modification of the order dated 28.04.2017.

3.Considering the facts and circumstances, this Court is inclined to allow these miscellaneous petitions. Accordingly, both the petitions are allowed and the interim order dated 28.04.2017 is modified and para no.2 of the said order reads as follows:

'2.A perusal of the prayer made in W.M.P.No.11895 of 2017 would go to show that the petitioner sought for an order of injunction restraining the first respondent herein, their subordinates, men and agents, from forcibly evicting the petitioner from the property bearing Old Door No. 2/24, New Door No.94, Jayavinayagar Koil Street, Jaganathapuram, Chetpet, Chennai-600 031, pending disposal of the above writ petition.'

4.Registry is, accordingly, directed to substitute the above paragraph in the order dated 28.04.2017 in W.M.P.No.11895 of 2017 and issue a corrected copy of the order to the petitioner.

-sd/-
18/05/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE CHIEF MANAGER /
AUTHORIZED OFFICER, ASSET RECOVERY
MANAGEMENT BRANCH, VIJAYA BANK,
NO.144, MOORE STREET, CHENNAI 10

C.C. to M/S.G.ARUL MURUGAN Advocate on SR.NO.6577

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.13507 & 10927/2017

in
WP.10927/2017

Date :18/05/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 23.05.2017