

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/8/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.20524 of 2018

1. M/s. G.K.K.Exports Pvt Ltd
rep. By its Managing Director
No.40/7 Ramakrishna Street
T. Nagar
Chennai 600 017.
2. M/s. Taurus GKK Leathers Private Limited
(Formerly known as M/s. Taurus
Leathers Pvt. Ltd)
rep.by Managing Director,
No.40/7 Ramakrishna Street
T. Nagar
Chennai 600 017.
3. M/s. MGM Exports
rep. By its Managing Director
No.40/7 Ramakrishna Street
T. Nagar
Chennai 600 017.
4. Mr.M.S.Gunasekaran
5. Mr.M.S.G.Bhuvan Kumar ... Petitioners

सत्यमेव जयते
Vs

Union Bank of India
rep. By its Authorised Officer
Assets Recovery Branch
Union Bank Bhavan
Ground Floor, No.139 Prakasam Road
Broadway
Chennai 600 108. ... Respondent

Prayer WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus to call for the records of the Debt Recovery Appellate Tribunal, Chennai in respect of the order dated 20/7/2018 in AIR (SA) No.409 of 2018 in S.A.No.146 of 2018 culminated in sale

notice No.Nil, dated 6/6/2018 and 5/7/2018 and quash the same and consequently declare all connected and pending proceedings on the file of the Debt Recovery Tribunal - II, Chennai in abeyance.

For Petitioner ... Mr.P.V.Balasubramaniam
for M/s.BFS Legal

O R D E R

(Order of the Court was delivered by S.MANIKUMAR, J)

Challenging the order of the Debts Recovery Appellate Tribunal, Chennai, made in A.I.R.(SA) No.409 of 2018 in S.A.No.146 of 2018, dated 20/7/2018, instant writ petition has been filed.

2. Order passed in A.I.R.(SA) No.409 of 2018, reads as follows:-

"Ld counsel Mr.B.Arul Murugan for appellant present.

Ld counsel Mr.Muthuperiyasamy for respondent Bank present.

Respondent counsel submits that S.A.No.146 of 2008 was dismissed by DRT - II, Chennai, hence appeal against the interim order renders infructuous.

Appellant counsel is not in a position to controvert the factual situation.

Appeal dismissed as having rendered infructuous."

3. It is well settled that an interim order passed, merges with the disposal of the main case. On the principle of law that interim order merges with final orders, we deem it fit to consider few decisions. सत्यमेव जयते

(i) In South Eastern Coalfields Ltd v. State of MP and Others reported in (2003) 8 SCC 648, the Hon'ble Supreme Court held as follows:

"The scope of the provision is wide enough so as to include therein almost all the kinds of variation, reversal, setting aside or modification of a decree or order. The interim order passed by the court merges into a final decision. The validity of an interim order, passed in favour of a party, stands reversed in the event of a final decision going against the party successful at the interim stage.

(ii) In Prem Chandra Agarwal and Another v. Uttar Pradesh Financial Corporation and Others reported in (2009) 11 SCC 479, the Hon'ble Supreme Court held that once a final order is passed, all the earlier interim orders merge into the final order, the interim orders cease to exist.

(iii) In State of West Bengal and Others Vs Banibrata Ghosh and Others reported in (2009) 3 SCC 250, the Hon'ble Apex Court held that the Interim Order does not decide the fate of the parties to the litigation finally, it is always subject to and merges with the final order passed in the proceedings.

4. In view of the decisions stated supra, nothing survives for adjudication in the instant writ petition. Hence, instant writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

mvs.

To

The Authorised Officer
Union Bank of India
Assets Recovery Branch
Union Bank Bhavan
Ground Floor, No.139 Prakasam Road
Broadway
Chennai 600 108.

W.P.No.20524 of 2018

GN(28/08/2018)

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