

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 13.2.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.408 of 2018 and C.M.P.No.2209 of 2018

1 Noreen Anderson

2 A.T.Raja Singh

... Petitioners/Defendants

Vs.

R.Ravi

... Respondent/Plaintiff

This Civil Revision Petition is filed under section 227 of Constitution of India against the order, dated 08.01.2018 made in I.A.No.266 of 2017 in O.S.No.35 of 2011 on the file of the District Judge, Udhagamandalam.

For Petitioners

: Mr.J.Saravanel

For Respondent

: Mr.R.Bharanidharan for
Mr.K.Arunraj

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ORDER

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According to the petitioner, the respondent has filed a suit in O.S.No.35 of 2011 against the petitioners for specific performance and consequential permanent injunction before the learned District Judge, Nilgiris District. The petitioners have filed an application in I.A.No.266 of 2017 to stay

all further proceedings in O.S.No.35 of 2011 in view of the proceedings initiated by the Enforcement Directorate under the prevention of Money Laundering Act, 2002. The said application was dismissed by the court below. Challenging the said order, the present Civil revision petition has been filed before this Court.

2 According to the learned counsel for the petitioner, Enforcement Directorate has initiated proceedings against the petitioners under the Prevention of Money Laundering Act and the suit property has been attached. The petitioners have challenged the attachment order before the High Court of Karnataka at Bangalore. The Enforcement Directorate has initiated proceedings against the petitioners based on the complaints given by the relatives of the petitioners with respect to disposal of the ancestral property situated at Bangalore and alleging that part proceeds of which was utilised by the petitioners for purchase of the property at Ooty which is the subject matter of the suit initiated by the respondent. Therefore, in the light of the provision under Section 41 of the Prevention of Money Laundering Act, 2002, the Civil court has no jurisdiction to entertain the suit. Hence the order passed by the court below is liable to be set aside.

3 The learned counsel for the respondent filed undertaking affidavit wherein the respondent submitted that Enforcement Directorate has filed an application in I.A.No.163 of 2014 to implead them as defendant in the aforesaid suit and the same was dismissed by the court below. Further, the respondent undertakes that in the event of the petitioners succeed in the above case pending against them, the property that has been attached by the Enforcement Directorate would not be confiscated as per the provisions of the Money Laundering Act, 2002. If the petitioners fail to succeed, the respondent will work out his remedy in the manner known to law so as to retrieve the suit property. The respondent undertakes that subject to the outcome of the proceedings initiated by the Enforcement Directorate upon the suit property in O.S.No.35 of 2011 and also as per Section 8(5) of the Prevention of Money Laundering Act, 2002, the respondent shall work out his remedy in the manner known to law.

4 In view of the undertaking affidavit filed by the respondent, it is open to the petitioner to raise all the grounds raised in the Civil revision before the court below on the basis of the defence raised in the written statement. At this stage, the learned counsel for the petitioner seeks six weeks time for submitting his arguments before the trial court.

D.KRISHNAKUMAR,J.

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5 In the light of the submission made by the counsel for the parties, recording the undertaking affidavit filed by the respondent, the Civil revision petition is disposed of with liberty to the petitioners to conclude their arguments before the court below within a period of six weeks from the date of receipt of a copy of this order.

6 The Civil revision petition is disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

13.2.2018

Speaking/Non Speaking order

Index: Yes/No

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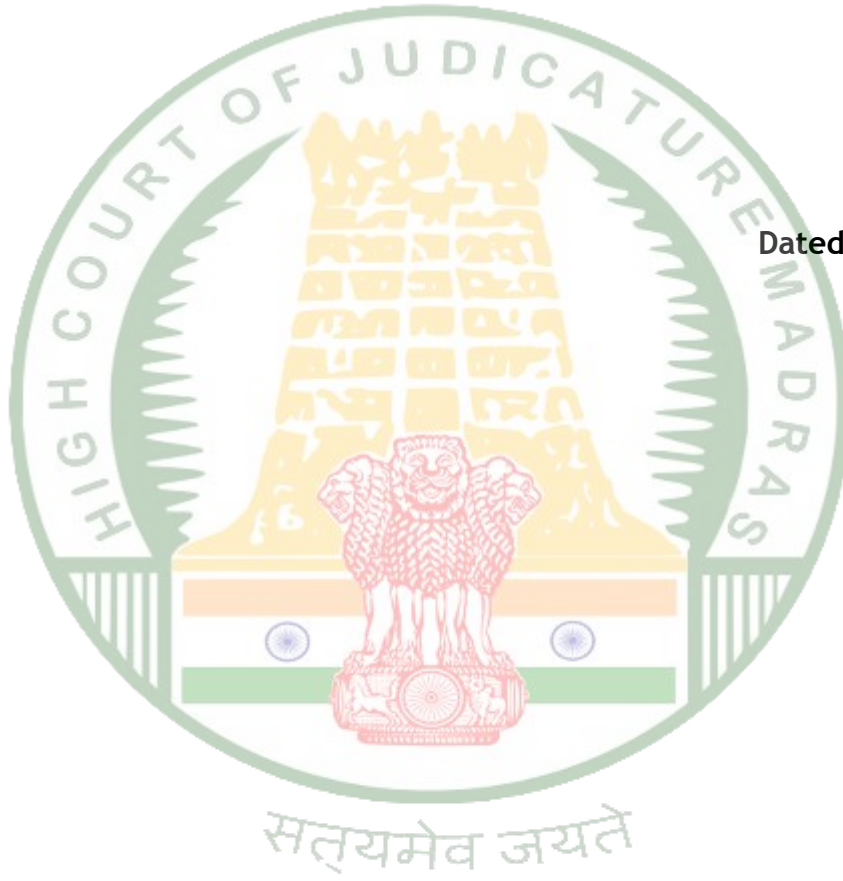
Note: Issue order copy on 22/2/2018

To

The District Judge, Udhagamandalam.

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**C.R.P.(PD) No.408 of 2018 and
C.M.P.No.2209 of 2018**



Dated: 7.2.2018

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