

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.S. No. 426 of 2017

and

O.A. Nos. 578 and 579 of 2017

Bharath Post Graduate College,
Through its Authorized Signatory,
SPE Trust, Through its Authorized Signatory,
Mr. P.C. Bhaskar,
No.8, Karpagambal Nagar,
Mylapore, Chennai 600 004.

...Plaintiff

VS.

1. Indiabulla Housing Finance Limited,
Rep. by its Manager,
Old No. 60-A, New No. 20/23,
1st and 3rd Floors, Apex Chambers,
Thiyagaraya Road, T. Nagar,
Chennai 600 017.

2. Authorized Officer,
Indiabulls Housing Finance Limited,
Door No. 20, APEX Chambers,
III Floor, Thiyagaraya Road,
T. Nagar, Chennai - 600 071.

...Defendants

Prayer: Petition filed under Order IV Rule 1 of Madras High Court Original Side Rules, 1956, read with Order VII Rule 1 of Civil Procedure Code, 1908, to pass a judgment and decree:-

- (a) For a declaration declaring that the notice date 19.05.2017 under reference No. 2385/HLAPCHE00203191 issued by the Defendants fixing the e-auction of the schedule mentioned property on 29.06.2017 under SARFAESI Act is void and not maintainable; and
- (b) For a consequential permanent injunction restraining the Defendants, their men, agents, servants or anybody either claiming under or through them in any way and in any manner bringing the schedule mentioned property for e-auction either on 29.06.2017 or on any other subsequent date in pursuance of the notice dated 19.05.2017 under reference No. 2385/HLAPCHE00203191 under SARFAESI Act; and
- (c) For a declaration declaring that the Defendants have got no right or authority to initiate any proceedings against the suit agricultural property, more fully described in the schedule hereunder, under the SARFAESI Act for recovery of the loan under reference No. HLAPCHE00203191; and
- (d) For a consequential permanent injunction restraining the Defendants, their men, agents or servants or anyone either claiming under or through them in any way and in any manner from initiating any proceedings under SARFAESI Act against the suit agricultural property for the recovery of the loan under reference NO. HLAPCHE00203191; and
- (e) For the costs of the suit.

For Plaintiff :

For Defendants : .

JUDGMENT

In view of the order passed in Application No. 5196 of 2017, rejecting the plaint, nothing survives for further consideration in the suit and the same is accordingly dismissed. Consequently, the connected Applications are closed. No Costs.

31.10.2018

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vjt

Index : Yes/ No

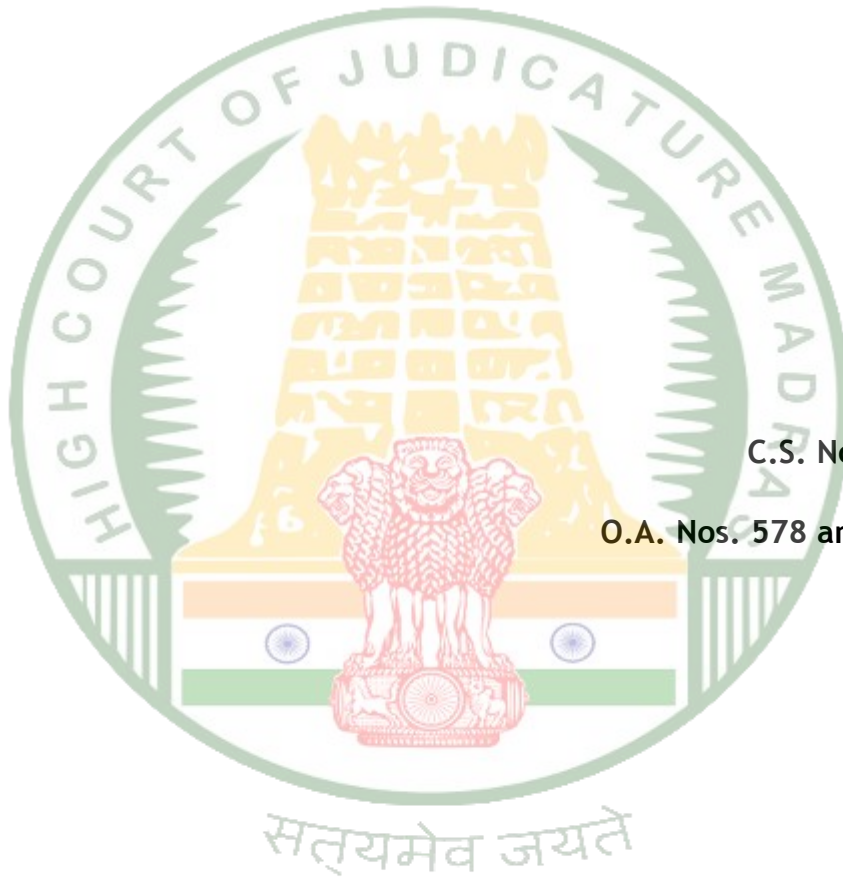
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P.D.AUDIKESSAVALU, J.

vjt



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