

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 21ST DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A. No.3323 of 2019

in

C.S.No.585 of 2017

Visesh Cargo & Travels Pvt. Ltd.,
Rep. by its Managing Director,
Mr.M.Gangadharan,
having Office at No.6, Avvaiyar Street,
Meenambakkam,
Chennai - 600 027. ...Plaintiff

Vs.

- 1.M/s.H.L.Marine Food
Rep. By its Sole Proprietrix,
D.Manjula W/o S.Dayanidhi
NO.4 Samy Street
Chintadripet, Chennai-600 002.
- 2.D.Manjula
W/o S.Dayanidhi
Plot No.AP2249, Door No.58-E,
'L' Block, 26th Street,
Anna Nagar East, Chennai-600 102.
- 3.S.Dayanidhi
S/o T.V.Sarangan
Plot No.AP2249, Door No.58-E,
'L' Block, 26th Street,
Anna Nagar East, Chennai-600 102. ...Defendants

A.3323 of 2019

Visesh Cargo & Travels Pvt. Ltd.,
Rep. by its Managing Director,
Mr.M.Gangadharan,
Having Office at No.6, Avvaiyar Street,
Meenambakkam,
Chennai - 600 027. ..Applicant/Plaintiff

Vs.

- 1.M/s.H.L.Marine Food
Rep. By its Sole Proprietrix,
D.Manjula W/o S.Dayanidhi
No.4 Samy Street
Chintadripet, Chennai-600 002.
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- 3.S.Dayanidhi
S/o T.V.Sarangan
Plot No.AP2249, Door No.58-E,
'L' Block, 26th Street,
Anna Nagar East,
Chennai-600 102. ...Respondents 1 to 3 /
Defendants 1 to 3
- 4.M/s. RBL Bank Ltd.,
having its Branch Office at
Anand Business Centre,
No.105/56, G.N.Chetty Street,
T.Nagar, Chennai - 600 017.
Rep. by its Authorised Representative
Mr.L.Aravind
- 5.Mrs.S.Revathi,
W/o.Mr.Sampath Kumar,
- 6.Mrs.Raashmi Devi,
W/o.Dr.Vinoth.K.V.
Both are residing at,
No.14/20, Rajiv Gandhi Nagar 1st Street,
South Mada Street,
Villivakkam,
Chennai-600 049. ...Proposed Parties/ Respondents

Application praying that this Hon'ble Court be pleased to implead the following proposed parties (1) M/s. RBL Bank Ltd., having its Branch Office at Anand Business Centre, No.105/56, G.N.Chetty Street, T.Nagar, Chennai - 600 017, Rep. by its Authorised Representative Mr.L.Aravind as 4th defendant (2)Mrs.S.Revathi, W/o.Mr.Sampath Kumar, as 5th defendant (3)Mrs.Raashmi Devi, W/o.Dr.Vinoth.K.V. both are residing at, No.14/20, Rajiv Gandhi Nagar 1st Street, South Mada Street, Villivakkam,

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cant was put on notice, he would have protection proceedings to protect his interests

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...is aggrieved by the measure taken
...the remedy is before the Deb

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4. Per contra, the learned counsel for the respondents 5 and 6 would argue that they are the purchasers in the auction conducted under the SARFAESI Act and if the respondent is aggrieved by the measure taken by the 4th respondent, the remedy is before the Debt Recovery

Tribunal under Section 17 of the Act.

5. In the case on hand, it is not in dispute that the suit has been filed for recovery of money and though there was an order of attachment in A.No.4187 of 2017, the property was sold by the secured creditor under the Provisions of the SARFAESI Act. As rightly contended by the learned counsel for the respondents 5 and 6, if the applicant is aggrieved by the action of the fourth respondent, he has to file an appeal / application before the Debt Recovery Tribunal, Chennai. Hence, this Court is of the opinion that the respondents 4 to 6 are not necessary parties to this proceedings. In that view, this application is dismissed.

6. Post before the learned Additional Master I for further proceedings.

सत्यमेव जयते

Sd./-M.K.K.S.J

21/11/2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

jj 02/12/2019

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.