

A.No. 6280 of 2019
in
C.S.SR.No. 109831 of 2019

R.SUBRAMANIAN, J.

The suit is one for declaration that the assignment deed dated 31.08.2010 and the broad terms and conditions dated 02.09.2010 are invalid and not binding on the plaintiff and for permanent injunction restraining the first defendant from proceeding against the properties either by way of sale by public auction or e-auction.

2. It is the case of the plaintiff that the 3rd defendant / Bank, without knowledge of the plaintiff had assigned the debt in favour of the 1st defendant. According to the plaintiff, the assignment is illegal, since he had not created any security over the properties in order to enable the 3rd defendant or the first defendant to invoke the provision of the SARFAESI Act.

3. It is seen that entire cause of action had arisen in Chennai and the execution of the securities and borrowing had taken place in Chennai, within the jurisdiction of this Court. The 1st and 2nd defendants have their office outside the jurisdiction of this Court. Hence, the plaintiff sought for leave to file the suit as

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against the defendants 1 and 2. Accepting the averments made in this application, this application is allowed granting leave to the plaintiff to file the suit in this Court.

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30.08.2019

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