

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.698 of 2019
and
A.No.9550 of 2019
and O.A.No.1105 of 2019

1.ABT Limited,
No.101, Mount Road,
Guindy,
Chennai-600 032
represented by its Director
Mr.Harihara Sudhan

2.ABT (Madras) Private Limited,
No.101, Mount Road,
Guindy,
Chennai-600 032
represented by its Director
Mr.Harihara Sudhan

.. Plaintiffs

सततमेव जयते
/versus/

1.Asset Reconstruction Company (India) Limited,
Registered Office,
"The Ruby", 10th Floor,
29, Senapathy Bapat Marg,
Dadar (W), Mumbai-400 028.

2.Dewan Housing Finance Corporation Limited,
Having its Registered Office at
'Warden House',
2nd Floor, Sir PM Road,

Fort, Mumbai-400 001.

.. Defendants

This Civil Suit is filed under Order IV Rule 1 of Madras High Court Original Side Rule, 1956 read with Order VII Rule 1 of Code of the Civil Procedure Code and Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC r/w Section 60 of the Transfer of property Act, 1882 prayed for (a) Directing the 1st defendant to return to the plaintiff all the documents deposited by it vide the Memorandum of Deposit of Title deeds dated 30.03.2012 and Supplementary Memorandum of Deposit of Title Deeds dated 27.12.2014, which is more fully described in the schedule II of the Memorandum of Deposit of Title Deeds dated 30.03.2012 being Plaintiff document No.4 and schedule II of Supplementary Memorandum of Deposit of Title Deeds dated 27.12.2014 being Plaintiff document No.7;

(b) Grant a mandatory injunction directing the 1st Defendant to execute a registered acknowledgment in writing that the right of the 1st Defendant to the mortgaged property has been extinguished in view of the repayment of the loan;

(c) Mandatory injunction directing the 1st Defendant to lift the charge created on 27.06.2019 over the assets of the 1st plaintiff more fully described in Plaintiff document No.13;

(d) Direct the Defendants to pay the costs of this suit;

For plaintiffs : Mr.Keerthikiran Murali

JUDGMENT

The learned counsel for the plaintiffs seeks permission of this Court to withdraw the civil suit and has also made an endorsement to that effect.

2. Since a request has come even before the matter has been taken up for admission, permission to withdraw is granted. Accordingly, this Civil Suit stands dismissed as withdrawn. The plaintiffs shall be refunded 50% of Court fee after defraying 5% of costs. Consequently, the connected applications are also closed. No costs.

12.12.2019

Speaking Order / Non-Speaking Order
Index : yes/no
rpl

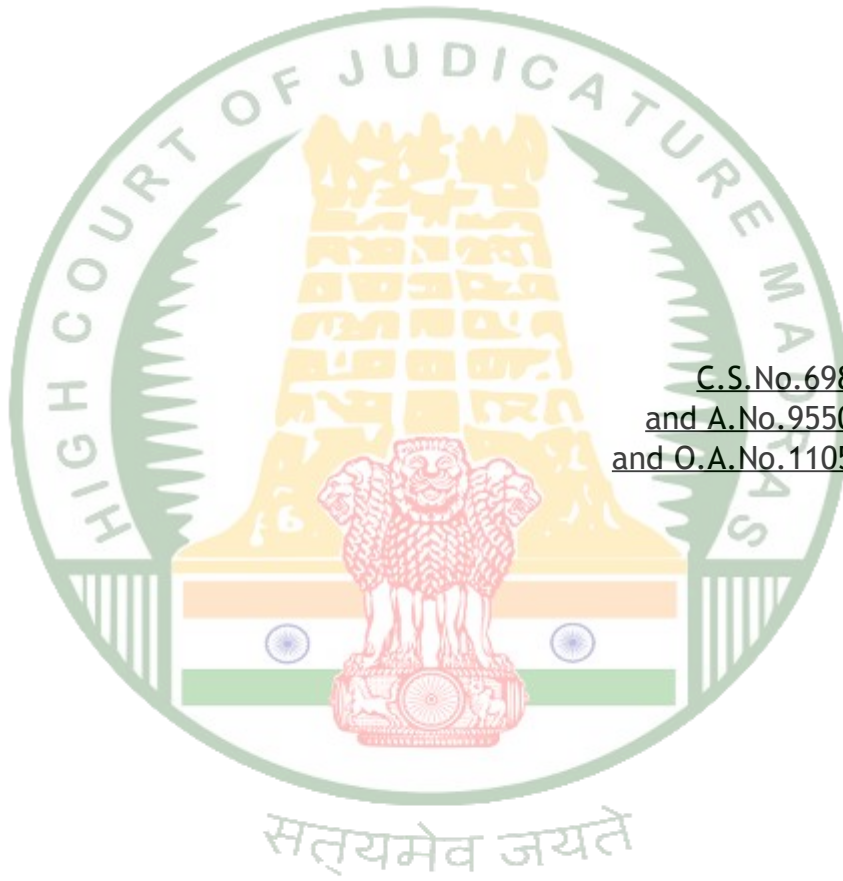
सत्यमेव जयते

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Dr.G.JAYACHANDRAN,J.

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