



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.2629 of 2015

and

M.P. (MD)No.1 of 2015

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P.Rajarethinam

... Petitioner/Defendant

vs.

Sunder Raj

....Respondent/Plaintiff

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.88 of 2015 on the file of the District Munsif Court, Eraniel.

For Petitioner : Mr.S.Ramasamy
For Respondent : Mr.S.Balamurugan
For Mr.T.Arul

ORDER

The revision petitioner herein owns a piece of property, which he had provided as collateral security to M/s.Indian Bank. While so, on 04.02.2013, the Bank through his authorised officer issued a sale notice to the revision petitioner and promptly the revision petitioner has moved the Debt Recovery Tribunal and initiated necessary proceedings to quash the said notice. Ultimately the auction did take place in which the revision petitioner herein was the successful bidder.

2.The respondent herein thereafter, laid a suit in O.S.No.88 of 2015 seeking a decree of bare injunction against the revision petitioner herein not to disturb his peaceful possession. The revision petitioner now would move this Court with this present petition to strike off the pleadings in terms of Section 34 of the SARFAESI Act.

3.Heard the learned counsel for the revision petitioner as well as the respondents.

4.This Court plainly is not impressed with the conduct of the respondent/plaintiff in the suit. What the respondent herein obtained is stated to such rights that has accrued in favour of the bank and subject to the SARFAESI proceedings initiated by it and if the respondent manages to succeed before the Debt Recovery Tribunal, then the result and benefit necessarily has to be



5.This Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/msa

To

1.The District Munsif, Eraniel.

2.The Section Officer -2 copies
V.R.Section, Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr.T. ARUL, Advocate (SR-19366[F] dated 07/10/2020)

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SGS (CO)

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