

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

**C.S.No.970 of 2010
& OA.No.1239 of 2010
& A.No.6803 of 2010**

1. M.Lakshmi Narayana Choudhary (deceased)
2. M. Sailaja
3. Selvi M.Niyathi Raam Choudhary
4. Selvan M. Nihar Mohan Choudhary
5.M. Kastury ... Plaintiffs
(Plaintiffs 2 to 5 are brought on records of LR's of
the deceased sole plaintiff as per
Order dated 10.12.2015 in
Application No.6119 & 3120 of 2015)

Vs.

1. State Bank of India,
Stressed Asset Management Branch,
Red Cross Building,
No.33, Montieth Road, Egmore,
Chennai – 600008
Represented by its Assistant General Manager,
Mr.M.K.Sundaram.

2. M/s.Sethuraman Thiagarajan
Engineers Pvt. Ltd., (in liquidation) Chennai
duly represented by the
Official Liquidator, High Court of Madras,
UTI Building, 1st Line Beach Road,
Chennai – 600 001.

3. Recovery Officer
Debt Recovery Tribunal – II
4th floor, Spencer Towers,
No.770 A, Anna Salai,
Chennai – 600 002.

4. A. R. Asokan

... Defendants

Prayer: This Civil Suit is filed under Order IV Rule 1 of O.S.Rules r/w
Order VII Rule & 1 & 2 of CPC to

a) declare that the purported sale in favour of the 4th defendant by
the 1st /3rd defendant in respect of the property more fully described in the
“B” schedule hereunder is null and void and not binding on the plaintiff
herein and

b) To direct the defendants to pay costs of the suit.

For Plaintiffs : M/s.B.Ravi Raja

For Respondents : M/s.King & Patridge for D1
M/s. Suresh Srinivasan
for M/s.S.R.Sundar for D2
M/s.Waraon & Sairams

ORDER

Heard the learned counsel for the plaintiffs and the learned
counsel for the defendants.

2. The learned counsel for the plaintiffs has made the following endorsement :

“ The above suit may be permitted to be withdrawn as the relief has become infructuous. If law permits, 50% of the court fee may be permitted to be withdrawn or refunded. “

3. In view of the aforesaid endorsement, the suit is dismissed as withdrawn. Consequently, connected applications are closed.

4. In so far as the refund of court fee is concerned, the Registry is directed to verify if the rule permits, court fee may be refunded.

24.02.2021

gv

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P. RAJAMANICKAM.,J.

gv



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