



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 18TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

C.S. No.715 of 2019

and

O.A.No.1135 of 2019

1. S. Ramesh Narayanan,

2. Banu Ramesh

Both residing at Old No.5/1, New No.11,
Bheema Sena Garden Street,
Mylapore, Chennai – 600 004.

... Plaintiffs/Applicants

-Vs-

1. State Bank of India,
Adyar Branch,
Represented by its Senior Manager,
No.24, II Main Road, Nethaji Colony,
Kasturba Nagar, Adyar,
Chennai – 600 020.

2. State Bank of India,
Represented by its Assistant General Manager,
RACPC, RC Nagar (Code No.17193)
No.4, Santhome High Road,
Mylapore, Chennai – 600 004.

... Defendants/Respondents

C.S. No.715 of 2019

Civil Suit praying that this Hon'ble Court may be pleased to pass a

judgement and decree against the Defendants as follows:-



(i) That an account may be taken of the amount due to the first defendant under mortgage dated 05.04.2017 registered as Doct.No.1009 of 2017, S.R.O.Mylapore, for principal and interest.

(ii) That the plaintiffs may be at liberty by a day to be fixed by the Court, to pay the said amount and the costs of the First Defendant of this suit into court, and that thereupon the said First Defendant may be ordered to bring into court the said mortgage instrument and all documents in their possession or power relating to the property described in the Schedule to the plaint and an acknowledgment in writing that their interest created by the said mortgage has been extinguished.

(iii) To Grant a Decree of Permanent Injunction restraining the Defendants, their officers, men, agents, servants or any other person acting under them or authorized by them from bringing the property described in the schedule to the Plaint for sale by Public Auction .

(iv) For the costs of the suit.

O.A.No.1135 of 2019

Original Application praying that this Hon'ble Court be pleased to grant an Order of Interim Injunction restraining the Respondents, their Officers, Men, Agents, servants or any other person acting under them or authorized by them from bringing the property described in the Schedule to the Judges Summons for sale by Public Auction, pending disposal of the suit.



WEB COPY

This Civil Suit along with the Original Application coming on this day before this court for hearing in the presence of Mr.M.S.Rajamani for Mr.C.Ramesh advocate for the plaintiffs in C.S.No.715 of 2019 and for the applicant in O.A.No.1135 of 2019 and Mr.V.Bharathidasan, advocate for the defendants in C.S.No.715 of 2019 and for the respondents in O.A.No.1135 of 2019 and upon reading the plaint and memo dated 16/8/2021 filed in C.S.No.715 of 2019 and the judges summons and the affidavit of S.Ramesh Narayanan filed in O.A.No.1135 of 2019 and the learned counsel for the defendants having submitted a memo dated 16.8.21 along with the copy of the order passed in O.S.A.No.37 of 2021 dated 10.08.2021 stating that the learned Division bench of this court passed an order by allowing the O.S.A.No.37 of 2021 by striking off the plaint in the present suit, and **it is ordered as follows:-**

That the Civil Suit No.715 of 2019 be and is hereby dismissed.

2. That the O.A.No.1135 of 2019 do stand closed.

3. That there shall be no costs in this civil suit.

SCHEDULE

MEMO



ED

01.11.2021

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4

C.S. No.715 of 2019
and
OA No.1135 of 2019

ORDER:-

DATED : 18.08.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 10.11.2021

APPROVED ON: 18.11.2021



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5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

C.S.No.715 of 2019

and

O.A.No.1135 of 2019

1.S.Ramesh Narayanan

2.Banu Ramesh

... Plaintiffs

Vs.

1.State Bank of India, Adyar Branch,
Rep by its Senior Manager,
No.24, II Main Road, Nethaji Colony,
Kasturba Nagar, Adyar, Chennai 600 020.

2.State Bank of India,
Rep by its Assistant General Manager,
RACPC, RC Nagar (Code No.17193),
No.4, Santhome High Road,
Mylapore, Chennai 600 004.

... Defendants

Prayer : Complaint filed under Order IV Rule 1 of O.S.Rules and Order VII, Rule 1 of C.P.C., praying for judgment and decree against the defendants as follows: (a) That an account may be taken of the amount due to the first defendant under mortgage dated 05.04.2017 registered as Doct.No.1009 of 2017, S.R.O.Mylapore, for principal and interest.(b) That the plaintiffs may be at liberty by a day to be fixed by the Court, to pay the said amount and the costs of the first defendant of this suit into court, and that thereupon the said first defendant may be ordered to bring into court the said mortgage instrument and all documents in their possession or power relating to the



property described in the Schedule to the plaint and an acknowledgment in writing that their interest created by the said mortgage has been extinguished. (c) to grant a decree of permanent injunction restraining the defendants, their officers, men, agents, servants or any other person acting under them or authorized by them from bringing the property described in the schedule to the plaint for sale by public auction and for the cost of the suit.

For Plaintiffs : Mr.M.S.Rajamani for
Mr.C.Ramesh

For Defendants : Mr.V.Bharathidasan

ORDER

This civil suit has been filed seeking the above prayer.

2. When the matter is taken up for hearing, the learned counsel for the defendants submitted a memo dated 16.08.2021 along with the copy of the order passed in O.S.A.No.37 of 2021 dated 10.08.2021, stating that the learned Division Bench of this Court passed an order by allowing the O.S.A.No.37 of 2021 by striking off the plaint in the present suit. The memo filed by the defendants has also been taken on record. The contents of the memo dated 16.08.2021, shall form a part and parcel of this order.



3. In view of the same, this civil suit stands dismissed. Consequently,
connected application is closed. No costs.

Sd./- V.P.N.J
18.08.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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