



C.S.No.245 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.245 of 2021

Ms.Shobashalini Chokkalingam,
D/o.T.Chokkalingam,
Old Door No.3, New Door No.5,
Ganesh Street, Gopalapuram,
Chennai – 600 086,
Rep.by her Power Agent Mr.K.Suresh,
S/o.C.K.Prabhakaran,
Residing at 6th Block, Door No.815,
2nd floor, Muggapair West,
Chennai – 600 037.
Plaintiff

...

Vs

- 1.S.Ramesh
- 2.U.Thiruselvi
- 3.H.Yahayakhan
- 4.M.Ahammathukabeer
- 5.M/s.Hinduja Leyland Finance Limited,
No.1, Sardar Patel Road,
Guindy, Chennai – 600 032.
- 6.The Sub-Registrar,
Ashok Nagar, SRO,
No.602, 1st floor, Alagirisamy Salai,



C.S.No.245 of 2021

9th Sector, KK Nagar, Chennai – 600 083.

... Defendants

Plaint filed under Order VII Rule 1 C.P.C read with Order IV

WEB COPY

Rule 1 of O.S. Rules:

a) Declaring the adjudicated General Power of Attorney dated 11.09.2016, executed by the plaintiff in favour of the 1st defendant, registered as Doc.No.29 of 2016, at SRO, Ashok Nagar as null and void.

b) Declaring the Sale Deed dated 06.04.2017 executed in favour of 2nd defendant, registered as Doc.No.864 of 2017, at SRO, Ashok Nagar, as null and void.

c) grant permanent injunction restraining the defendants, their men, agents, servants, legal heirs, representative whomsoever from alienating encumbering entering or trespassing or disturbing or whatsoever thereby preventing the plaintiffs from their free ingress and egress in the suit schedule mentioned property;

d) to declare that the plaintiff as lawful owner of the suit schedule mentioned property;

e) direct the defendants to pay the cost of this suit.

For Plaintiff : M/s.K.Bhuvaneswari

For Defendants : Mr.V.Balasubramani



WEB COPY



C.S.No.245 of 2021

JUDGMENT

During pendency of the suit, an application in A.No.1407 of 2022, has been moved by the 5th defendant herein, under Order VII Rule 11 of CPC, seeking to reject the plaint on the ground of territorial jurisdiction of this Court vis-a-vis in terms of Section 34 of SARFAESI Act, 2002.

2. By order dated 30.03.2022, this Court passed orders, rejecting the plaint and accordingly, the plaint has been rejected giving liberty to the plaintiff to work out her remedy before the Debt Recovery Tribunal in the manner known to law.

3. In view of the above, no further adjudication is required in this Suit. Accordingly, this Civil Suit is closed.

21.06.2022

Pns



WEB COPY



C.S.No.245 of 2021

KRISHNAN RAMASAMY.J,

pns

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

C.S.No.245 of 2021

21.06.2022