



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

SA.No.569 of 2015

M/s.S.R.S.Exports

Rep. By its partner S.Rajasekar Reddy

Old No.4, New No.7,

Arizan Shanmugam Street,

Ayanavaram,

Chennai 600 023

Plaintiff

.. Appellant /Appellant /

Vs.

1. The Karur Vysya Bank Limited,
Rep. By its Branch Manager,
T.Nagar Branch,
Chennai 600 017.

2. M/s.M.C.Sharin Pharmaceuticals Ltd.,
Rep by its Managing Director,
Kilpauk,
Chennai 600 010.

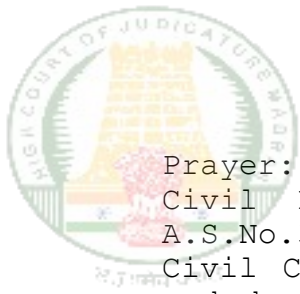
3. Dr.Mrs.Thara Ramamoorthy,
No.4, Artizan Shanmugam Street,
Ayanavaram,
Chennai 600 023.
Now at Flat No.3, Aristo Flats,
320, M.T.H.Road, Villivakam,
Chennai 600 048.

4. The Recovery Officer II,
Debt Recovery Tribunal,
Spencer Plaza,
Mount Road, Chennai 600 002

5. K.Karuppan

6. Karthikeyan

..Respondents/ Respondents /
Defendants



Prayer: Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.382 of 2013 on the file of the V Additional Judge, City Civil Court, Chennai, dated 27.10.2014 Confirming the judgement and decree passed in O.S.No.8526 of 2008 on the file of the IV Assistant Judge, City Civil Court, Chennai, dated 10/07/2013.

For Appellant : Mr.V.Mani
For Respondents : Mr.Jayesh Dolia for
5&6 Mr.Aiyar and Dolia
1&4 : No Appearance
2&3 : Steps not taken to serve Notice

JUDGMENT

The plaintiff is the appellant in the present second appeal.

2. The case of the plaintiff is that the 3rd defendant had leased the property in their favour in the year 1993. The 1st defendant had initiated recovery proceedings against the 2nd defendant and the property in which the plaintiff was the lessee, was given a collateral security for the loan. The grievance of the plaintiff is that the subject property was brought for auction sale and a sale certificate was also issued in favour of the 4th defendant and thereafter, an eviction notice was issued to evict the plaintiff from the subject property. Hence, the plaintiff filed a suit for declaration to declare the auction sale and the issuance of sale certificate as void and nonest in the eye of law and for a permanent injunction restraining the defendants from interfering with the peacefull possession and enjoyment of the property pursuant to the eviction notice issued to the plaintiff.

3. Both the Courts below on considering the oral and documentary evidence found that the suit itself was an abuse of process of Court. The Courts below further found that the plaintiff had already filed a suit for permanent injunction in O.S.No.8526 of 2008 and it was dismissed on 02.11.2006. That apart, the plaintiff also filed an application before Debt Recovery Tribunal (DRT) after the confirmation of the sale and issuance of sale certificate. The plaintiff also filed a writ petition before this Court. Thus, the plaintiff was going all around and filing case after case before various forums.

4. Both the Courts below also took into consideration the fact that the plaintiff had made some payments to the bank. However, it was held that the plaintiff can at the best only claim for the refund of the amount and he cannot claim any right in the property and he has no locus standi to question the



auction sale and the sale certificate issued by DRT.

5. It is also brought to the notice of this Court that the owner of the property had parallelly challenged the proceedings initiated by the bank and lost till the Apex Court. The possession of the property has also been taken by the bank and nothing much will survive in this Second Appeal. There is no ground to interfere with the findings of the Courts below and there are absolutely no merits in the second appeal. No substantial questions of law are involved in the present second appeal.

6. In the result, this Second Appeal is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The V Additional Judge, City Civil Court, Chennai.

2.The IV Assistant Judge, City Civil Court, Chennai.

Copy To:-
The Section Officer
VR Section, High Court
Madras.

+1cc to Mr.Aiyar and Dolia, Advocate, S.R.No.9342

SA.No.569 of 2015

CP(CO)
CT 14/03/2022