



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 15TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P. VELMURUGAN

C.S.No. 612 of 2019

M/s. Sri Devi Hospital,
Rep.by its Sole Proprietor,
Dr. K. Senthil Nathan,
No. 1620A, 16th Main Road,
Anna Nagar,
Chennai – 600 040.

... Plaintiff

-Vs-

1. Asset Reconstruction Company India Limited,
Rep.by its Authorized Representative,
The Ruby, 10th Floor,
No. 29, Senapathi Bapat Marg,
Dadar (W), Mumbai – 400 028.

2. M/s. Arcil – SBPS-008-I Trust,
Represented by its Managing Trustee,
“The Ruby” 10th Floor,
No.29, Senapathi Bapat Marg,
Dadar (W), Mumbai – 400 028.

3. Indian Overseas Bank,
Arumbakkam Branch,
Chennai – 600 106.

... Defendants

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



(a) Declaring that the assignment deed dated 31.08.2010 and the broad terms and conditions dated 02.09.2010 as null and void and has no evidentiary value and non-est in the eye of law and it will not ensure any right in favour of 1st defendant to proceed against the suit schedule properties either under section 13(4) of SARFAESI Act or by enforcing any other provisions by bringing the property for sale since it is not a secured asset.

(b) Permanent Injunction restraining the 1st defendant from proceedings against the suit schedule properties either by way of sale by public auction or e-auction.

(c) Mandatory injunction directing the 1st defendant to accept the One Time Settlement offer given by the Plaintiff and return the original documents of the suit schedule properties.

(d) To award cost of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.S.Sundaresan, Advocate for the plaintiff herein and Mr.Chethan Sager, for M/s.Dua Associates, Advocate for the 1st defendant herein and the defendant 2 & 3 herein not appearing in person or by advocate and upon reading the plaint filed herein and the learned counsel



Division Bench of this Court passed in OSA Nos. 57 & 58 of 2020, the plaintiff has preferred an SLP before the Hon'ble Supreme Court and the same is yet to be numbered, **it is ordered :-**

That the suit in C.S.No. 612 of 2019, be and is hereby rejected by this Court as the Plaint was rejected by the Division Bench of this Court.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 15th DAY OF FEBRUARY 2022.

Sd/-

ASSISTANT REGISTRAR (O.S-I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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22.02.2022

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C.S.No. 612 of 2019

ORDER:

DATED : 15.02.2022

THE HON'BLE MR. JUSTICE
P. VELMURUGAN

FOR APPROVAL: 22.02.2022

APPROVED ON : 01.03.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.02.2022

Coram:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.612 of 2019

Sri Devi Hospital
Rep.by its Sole Proprietor,
Dr.K.Senthil Nathan
No.1620A, 16th Main Road,
Anna Nagar, Chennai – 600 040.

... Plaintiff

VS

1.Asset Reconstruction India Private Limited,
Rep. by its Authorized Representative,
The Ruby, 10th Floor,
No.29, Senapathi Bapat Marg,
Dadar (W), Mumbai 400 028.

2.M/s.ARCIL-SBPS-008-I Trust,
Rep. by its Managing Trustee,
“The Ruby” 10th Floor,
No.29, Senapathi Bapat Marg,
Dadar (W), Mumbai – 400 028.

3.Indian Overseas Bank,
Arumbakkam Branch,
Chennai – 600 106.

... Defendants

Civil Suit filed under Order IV Rule 1 of Original Side Rules r/w

Order VII Rule 1 of CPC seeking for the following reliefs:



(a) Declaring that the assignment deed dated 31.08.2010 and the broad terms and conditions dated 02.09.2010 as null and void and has no evidentiary value and non-est in the eye of law and it will not enure any right in favour of 1st defendant to proceed against the suit schedule properties either under section 13(4) of SARFAESI Act or by enforcing any other provisions by bringing the property for sale since it is not a secured asset.

(b) Permanent Injunction restraining the 1st defendant from proceedings against the suit schedule properties either by way of sale by public auction or e-auction.

(c) Mandatory injunction directing the 1st defendant to accept the One Time Settlement offer given by the Plaintiff and return the original documents of the suit schedule properties.

(d) To award cost of the suit.

For plaintiff : Mr.S.Sundaresan

For defendants 1 : M/s.Dua Associates

For defendants 2 & 3 : No appearance

J U D G E M E N T

As per the Judgement of the Division Bench of this Court dated 08.07.2021 in OSA Nos.57 & 58 of 2020, the plaint filed by the plaintiff in CS.No.612 of 2019 was rejected.



2. Learned counsel for the plaintiff submits that aggrieved by the Judgment of the Division Bench of this Court passed in OSA.Nos.57 & 58 of 2020, the plaintiff has preferred an SLP before the Hon'ble Supreme Court and the same is yet to be numbered.

3. In the result, CS.No.612 of 2019 is rejected by this Court as the plaint was rejected by the Division bench of this Court.

Sd./-P.V.J.,
15.02.2022

//Certified to be true copy//
Dated at Madras this the day of 2022.

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