



WEB COPY



C.R.P.No.187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.187 of 2023

M/s.Mahindra Rural Housing Finance Ltd.,
Having Office at No.106/2, P.H.Road,
Manavalanagar, Tiruvallu – 602 002,
Rep. by its Authorised Signatory,
Mr.Jeeva

... Petitioner

Vs

1.Mr.D.Sundharavathanam

2.Mrs.Anu

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to issue direction directing the learned Principal District Munsif at Poonamallee to dispose of the Suit in O.S.No.288 of 2021 within the time frame fixed by this Hon'ble Court by allowing this Civil Revision Petition.

For Petitioners : Ms.A.S.Neela Narayani



C.R.P.No.187 of 2023

ORDER

WEB COPY

The relief sought in the present Civil Revision Petition is to direct the Principal District Munsif at Poonamallee to dispose of the suit instituted in O.S.No.288 of 2021. The revision petitioner is the defendant in the suit and the respondent instituted a suit for permanent injunction.

2.The learned counsel for the petitioner states that the suit itself is not maintainable in view of the fact that the subject suit schedule property was attached under the SARFAESI Act by the bank. Thus, the Trial Court has no jurisdiction to entertain the suit or grant the relief of injunction.

3.In this regard, the petitioner filed an Interlocutory Application for rejection of the plaint which is pending. Taking note of the facts that the revision petitioner claims that the suit is not maintainable in view of the provisions of the SARFAESI Act, the Trial Court shall consider the application and accordingly, dispose of the same as expeditiously as possible.



C.R.P.No.187 of 2023

4. Accordingly, the Civil Revision Petition stands **disposed of**.

However, there shall be no order as to costs.

sha

31.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Copy to:

Principal District Munsif at Poonamallee



WEB COPY



C.R.P.No.187 of 2023

S.M.SUBRAMANIAM, J.

sha

C.R.P.No.187 of 2023

31.01.2023