



Comp.A.Nos.307 & 308 of 2021
in C.P.No.279 of 2016

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KRISHNAN RAMASAMY, J.

Comp.A.No.307 of 2021 in C.P.No.279 of 2016, has been filed by the applicant/debtor seeking to grant interim injunction restraining the first respondent from in any manner bringing the property into public auction or in any manner disposing the said property in pursuance to the said impugned demand notice dated 23.03.2012 vide proceedings of the 1st respondent bearing F.No.1211-87/2017/AR-III/DEBT.

Comp.A.No.308 of 2021 in C.P.No.279 of 2016, has been filed seeking by the applicant/debtor to discharge the applicant from the liability of the mortgage deed dated 23.12.2013 and to set the property clear from the encumbrance and to direct the 1st respondent to execute the documents of discharge of the liability.

2.When the matter came up for hearing on the last occasion, this Court passed the following orders:

“This discharge application has been filed to



discharge the applicant from the liability of the mortgage deed dated 23.12.2013 and to set the property clear from the encumbrance and to direct the first respondent to execute the documents of discharge of the liability

2. When the matter is taken up for hearing, the learned counsel for the applicant would submit that the applicant is ready to pay a sum of Rs.2,00,000/- as full and final settlement. Therefore, he is directed to produce the Demand Draft for a sum of Rs.2,00,000/- towards full and final settlement of the amount for respondent's outstanding in the Company Liquidation.

3. Post the matter on 14.02.2023 under the caption “for orders”.

3. Learned counsel appearing for the applicant would submit that the applicant had passed away and as per the direction of this Court, the legal heirs of the applicant provided Demand Draft bearing No.705955 for a sum of Rs.2,00,000/- drawn at Indian Bank, Madras High Court, towards full and final settlement. Further, he has also produced the legal heir certificate.

4. Since, the applicant is no more, Mrs. Uma, wife of the applicant Yuvansankarraja, and Padmavathi, son and daughter of the applicants are *suo*



motu impleaded as applicants 2 to 4 respectively. Applicants 3 and 4, minor applicants are represented by their mother, 2nd applicant.

5. In view of the above, this Court discharge the applicant from the liability of the mortgage deed dated 23.12.2013 and the learned Official Liquidator is directed to execute necessary document to discharge the liability of the applicant including redemption of mortgage and to remove the encumbrance before the appropriate authority.

6. Accordingly, these applications are disposed of. Registry is directed to carryout the necessary amendment in the cause title and thereafter issue the copy this order.

14.02.2023

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