



C.R.P(MD)No.236 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.236 of 2023

R.V.R.Sendrayan ... Petitioner/Plaintiff
Vs.

1.The Tamilnadu Industrial Investment Corporation Ltd.,
Represented by its Branch Manager,
N.R.T.Nagar, Theni.

2.Thasleem

3.Reeta Selvarani ...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned Docket Order dated 07.03.2022 returning the plaint and direct the Principal District and Sessions Court, Theni, to take the suit in O.S.SR.No.743 of 2022 filed by the petitioner and decide the same on merits.

For Petitioner : Mr.R.Aravindan

ORDER

This petition has been filed to set aside the impugned Docket Order passed by the Principal District and Sessions Court, Theni, in O.S.SR.No.743 of 2022 dated 07.03.2022 and direct the Principal District and Sessions Court, Theni, to take the suit in O.S.SR.No.743 of 2022 filed by the petitioner and decide the same on merits.



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2.The Court has raised several queries as particularly how the suit is maintainable.

3.The specific case of the petitioner is that the petitioner is a guarantor of a surety for the loan borrowed by the private respondents herein, who are the defendants in the above unnumbered suit. It is submitted that without following the procedure prescribed under SARFAESI Act, 2002, the petitioner's property has been sold without obtaining prior permission from the authorities concerned. It is submitted that the petitioner had already approached this Court by way of filing WP(MD)No.3202 of 2020 which came to be ordered on 20.07.2022 by directing the petitioner to raise all contentions in O.S.No.295 of 2020.

4.Considering the fact that the petitioner has initiated proceedings to declare the alleged sale of the property in an auction as illegal, the Principal District and Sessions Court, Theni, is directed to number the unnumbered O.S.SR.No.743 of 2022 if the papers are otherwise in order. It may be decide the issue after service of summons and thereafter, take a call as to whether the suit is time barred under which the plaint is liable to be rejected by exercising jurisdictional power under Order VII Rule 1



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5.With the above observation, this civil revision petition stands allowed. No costs.

13.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

Note : The Registry is directed to return the original copy of unnumbered to the petitioner.

To

- 1.The Subordinate Judge,
Aranthangi.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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