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O.S.A. No. 13 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM

**THE HON'BLE MR. JUSTICE S.S. SUNDAR**

**AND**

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

O.S.A. No. 13 of 2024

&

C.M.P. No. 2000 of 2024

V. Balaji

..Appellant

Vs.

1. M/s. India Resurgence ARC Pvt. Ltd.,  
(Assignee of Religare Finvest Ltd.),  
Having Office at  
3<sup>rd</sup> Floor Unit 304, Piramal Tower,  
Peninsula Corporate Park,  
Ganpatrao Kadam Marg,  
Lower Parel, Mumbai – 400 013.  
and having their branch office at  
No. 766, Shakthi Towers,  
Anna Salai, Chennai – 600 002,  
rep. by its Authorised Officer,  
Mr.A. Joseph Rahul
2. A.Seetharaman

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3. S. Rajarajeswari

4. The Official Assignee,  
High Court of Madras.

5. Prakash

..Respondents

Prayer: Original Side Appeal under Order XXXVI Rule 9 of Original

Side Rules read with Clause 15 of Letters Patent as against the order dated  
03.11.2023 passed in Application No. 168 of 2023 in Application No. 158  
of 2022 in I.P. No. 51 of 2014.

For Appellant :: Mr.R. Venkatavarathan

For Respondents :: Mr.V. Balasubramani for  
R1  
Mr.T. Paranthaman for  
R2 and R3  
Ms.C.B. Meena ,  
Official Assignee,  
High Court, Madras.  
No appearance for R5

### **J U D G M E N T**

*(Delivered by S.S. SUNDAR,J.)*

This Original Side Appeal is directed against the order dated  
03.11.2023 passed by the learned Single Judge in Application No. 168 of  
2023 in Application No. 158 of 2022 in I.P. No. 51 of 2014 directing the



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appellant to vacate the premises detailed in Schedule 'B' and to hand over possession to the 1<sup>st</sup> respondent herein/applicant before the learned Single Judge.

2. The facts are not in dispute. When the appeal was listed before a Co-ordinate Bench of this Court on 11.07.2024, at the request of the appellant, three months time was granted to hand over vacant possession of the property in question, however, subject to payment of Rs.24,000/- by the appellant to the 1<sup>st</sup> respondent, on or before 15.07.2024.

3. Today, when the matter is taken up, a memo dated 03.08.2024 has been produced before this Court by the learned counsel for the appellant stating that the appellant has handed over the keys of the demised premises to him. He would further submit that the said memo may be recorded and the appeal may be dismissed.

**S.S. SUNDAR,J.**



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**AND**

**K. RAJASEKAR,J.**

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4. Considering the above submission made by the learned counsel for the appellant, the memo dated 03.08.2024 filed on behalf of the appellant stating that the keys of the demised premises have been handed over is hereby recorded. The receipt of keys from the appellant is acknowledged by the learned counsel for the 1<sup>st</sup> respondent and an endorsement to that effect has also been made by the learned counsel for the 1<sup>st</sup> respondent on the docket of the aforesaid memo filed by the appellant. Since the appellant has no other claim whatsoever as against the property, the Original Side Appeal stands dismissed. No costs. Connected C.M.P. is closed.

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To  
The Official Assignee,  
High Court of Madras.

(S.S.S.R.J.) (K.R.S.J.)  
05.08.2024

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