



CRP No.1035/2024

CMP No.5410 of 2024 in

CRP No.1035 of 2024

WEB COPY

V.SIVAGNANAM, J.

This petition has been filed to suspend the order of interim injunction, granted in I.A.No.2/2023 in O.S.No.345/2023 by the learned Principal District Judge, Chengalpattu, dated 21.06.2023, pending disposal of the civil revision petition.

2. According to the petitioners, the 11th respondent became the owner of the property to an extent of 3813 sq.ft. along with superstructure, situated at No.17, Pillayar Koil Street, Perungudi, Chennai, vide settlement deed dated 16.02.2005. Subsequently, the respondents 11 and 12 herein had availed credit facility and overdraft facility from the Canara Bank, Kotturpuram Branch, by mortgaging the above property; and since they committed default in payment of the above loan, the bank had initiated SARFAESI proceedings against them and the property was brought on sale through action. The petitioner herein had purchased the above said property through auction and sale certificate was also issued on 19.12.2022 in favour of him. Further, by mortgaging the above said registered sale certificate, the petitioner has obtained loan from the Indian Bank to the tune of Rs.98,00,000/- and also obtained E.B., sewerage, Metro water connection in his name.



CRP No.1035/2024

3. Subsequent to the SARFAESI proceedings, the 11th respondent had entered into lease agreements with various persons/respondents 1 to 10 herein in respect of the above said property, which is tabulated as under.

<i>Sl No</i>	<i>Name of plaintiffs</i>	<i>type of place</i>	<i>advance amount</i>	<i>rent</i>	<i>tenancy period</i>
1	D.Balakrishnan s/o Dharmaraj	House ground floor	1,00,000.00	12,000	29.12.2002 to 28.11.2023
2	Sheik Altaf Sheriff Sheik s/o Nazir Ahamed	House first floor	50,000.00	11,000	01.03.2023 to 31.01.2024
3	Venkatesan c/o Raji	House first floor	50,000.00	10,000	01.12.2022 to 01.11.2023
4	N.Vijayalakshmi w/o Nagarajan	House first floor	50,000.00	5,00	26.10.2022 to 25.09.2023
5	Murugan s/o Rathnam	3rd shop	1,00,000.00	15,000	10.05.2023 to 09.04.2024
6	Ranganathan s/o Pavadai	5th shop	1,00,000.00	10,000	07.05.2023 to 06.04.2024
7	Ramlal s/o Pannaram	House at ground floor and first shop	2,50,000.00	15,000	02.01.2023 to 01.12.2023
8.	Padhmavathi w/o Krishnan	6th shop	2,00,000.00	5,000	01.01.2023 to 30.11.2023
9.	Gangaraj s/o Gengusamy	4th shop	1,00,000.00	5,000	10.05.2023 to 09.04.2024
10.	Sakthivel s/o Thangavel	2nd shop	1,00,000.00	5,000	05.11.2022 to 04.10.2023
		Total	11,00,000		

4. It is contended by the petitioners that, based on the above said lease deeds,



CRP No.1035/2024

and also suppressing the earlier SARFAESI proceedings, the respondents 1 to 10 herein/ tenants in the above said property, have filed O.S.No.345/2023 before the Principal District Court, Chengalpattu, seeking permanent injunction, restraining the petitioner and others from evicting them from the property, without due process of law, and also obtained an exparte interim injunction against the petitioner and others on 21.06.2023, in I.A.No.2/2023 in the above said suit. Therefore, the above interim order may be suspended.

5. I have considered the submission made by the learned counsel for the petitioner and also perused the materials on record.

6. On perusal of the records, it is noticed that the above said suit in O.S.No.345/2023 was filed by the respondents 1 to 10 herein before the Principal District Judge, Chengalpattu against the defendants 1 to 7, wherein, the petitioner herein is the third defendant and the respondents 11 and 12 are the defendants 1 and 2, who availed the credit facility from the bank. The above said suit was filed with the following prayers

i) granting permanent injunction restraining the defendants 1



CRP No.1035/2024

WEB COPY

to 7 and their men from dispossessing or evicting the plaintiffs,
otherwise than in accordance with law

ii) directing the first defendant to pay the suit amount of
Rs.11,00,000/- to the plaintiffs.

The above said suit was challenged by the petitioner in the instant civil revision
petition, seeking to strike off the above said plaint in O.S.No.345/2023.

7. It is contended by the petitioner that, subsequent to the SARFAESI
proceedings initiated, the bank had filed an application in CrI.M.P.No.8660/2022
under Section 14 of the above Act before the Chief Judicial Magistrate, Chengalpattu
for taking possession of the mortgaged property and the same was allowed on
29.09.2022. Thereafter, sale notice was issued and the petitioner had participated in
the auction and purchased the property for a valuable consideration of
Rs.2,01,00,000/- and a sale certificate was also issued in his favour, which was
registered on 19.12.2022.

8. It is an admitted fact that, after issuing of sale certificate in favour of the
petitioner, with regard to the property, which was and registered on 19.12.2022, the
11th respondent herein had entered into lease agreements with various persons/



CRP No.1035/2024

respondents 1 to 10 and obtained advance amount by renting the properties to them.

WEB COPY

Hence, *prima-facie* case is made out in favour of the petitioner. It is to be noted that, the respondents 1 to 10 herein have obtained interim injunction restraining the petitioner herein and others from evicting them, other than due process of law. Therefore, there is no bar for the petitioner to initiate the provisions under SARFAESI Act and take action against the respondents, in pursuance of law.

9. In view of the forgoing discussion, the *exparte* interim injunction, granted in I.A.No.2/2023 in O.S.No.345/2023, dated 21.06.2023 by the learned Principal District Judge, Chengalpattu, against the petitioner, is hereby suspended.

11.03.2024

mst



WEB COPY



CRP No.1035/2024

V.SIVAGNANAM, J.

mst

CMP No.5410 of 2024 in

CRP No.1035 of 2024

11.03.2024