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C.R.P. (PD) .No. 1763 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P. (PD) .No. 1763 of 2024

&

C.M.P.No. 9290 of 2024

V.R.Nachiappan

...Petitioner

Vs.

1.G.Logachaariyan

2.G.Rukmani

3.G.Gopi

4.P.Kasthuri

5.P.Kumuthavalli

6.U.Bakkiyalakshmi

7.The Branch Manager,
State Bank of India,
(Old State Bank of Thiruvancode),
Having Office at
No.118/1, KAR Towers,
S.M.Road, Arni Town and Taluk,
Thiruvannamalai District.



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8.The District Registrar,
District Registration Office,
Cheyyan Town.

9.The Sub-Registrar,
Sub-Registration Office,
Arni Town.

...Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.70 of 2022 on the file of the Additional District Judge, Arni dated 29.08.2022.

For Petitioner : Mr. R.Anirud Narayen

For Respondent : Mr. R.Amardeep

For Respondents : Mr. R.Siddharth
8 & 9 Government Advocate.



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ORDER

This Civil Revision Petition seeks to strike off the plaint in O.S.No.70 of 2022 on the file of the Additional District Court, Arani.

2. Heard the arguments of Mr.R.Anirud Narayan, for the petitioner and Mr. R.Amardeep, for the 1st respondent on 18.09.2024. On that day, both sides informed that as against the proceedings that had been initiated by the Bank, bringing property for sale under SARFAESI Act, the plaintiff had initiated proceedings before the Debt Recovery Tribunal - II, Chennai. The said proceedings went against the respondent and that he had preferred an appeal in A.R.No.295 of 2023 on the file of the Debt Recovery Appellate Tribunal, Chennai.

3. The proceedings initiated in O.S.No.70 of 2022 on the file of the Additional District Judge at Arni are more or less on the same grounds that has been urged DRT - II. I informed Mr.Amardeep that



his client is not entitled to ride two horses at the same time.

Mr.Amardeep sought for time to get instructions from his client.

Accordingly, he has been instructed by an e-mail dated 20.09.2024 that the plaintiff will withdraw the suit in O.S.No.70 of 2022 on the file of the Additional District Court, Arani, with liberty to raise all the contentions before the Debt Recovery Appellate Tribunal, Chennai.

4. Since the plaintiff is willing and has given an undertaking to this Court that he will withdraw O.S.No.70 of 2022 on the file of the Additional District Court, Arani, the learned District Judge shall permit it. The impediment to withdrawing the suit is on account of the fact that the suit has been stayed by this Court by an order dated 25.04.2024. As the revision is disposed off, that impediment vanished suffice it to record the said submission of Mr.R.Amardeep that the suit in O.S.No.70 of 2022 on the file of the Additional District Court, Arani, will be withdrawn on the next date of hearing.



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5. The Civil Revision Petition is disposed of. The learned Trial Judge shall take note of the fact that since the Civil Revision Petition is disposed of, interim orders granted has been automatically vacated and he shall permit the plaintiff to withdraw the suit. Consequently, the connected miscellaneous petition is closed. No costs.

20.09.2024

Index : Yes/No
Internet : Yes/No
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To
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1.The Additional District Judge,
Arani.



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V.LAKSHMINARAYANAN, J.

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20.09.2024