



WEB COPY



W.P.No.13170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13170 of 2024
and W.M.P.No.14313 of 2024

- 1.M/s.Suganthi Educational Trust,
rep. by its Managing Trustee Dr.Sujatha Balasubramanian,
Having its administrative office at
No.15, Corporation Colony,
Kodambakkam, Chennai-600 024.
 - 2.Dr.Sujatha Balasubramanian
 - 3.Dr.Ba.S.Rohini Jayapriya
 - 4.C.C.Balasubramanian
- .. Petitioners

Vs

- 1.M/s.CFM Asset Reconstruction Pvt Ltd.,
1st Floor, Wakefield House,
Sprott Road, Ballard Estate, Mumbai-400 038.
- 2.G Square Realtors Private Limited,
rep. by its Managing Director
Registered Office No.98, Harrington Apartments,
3rd Floor, Harrington Road,
Chetpet, Chennai.
Tamil Nadu-600 031.



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3.The Karur Vysya Bank Ltd.,
No.20, Erode Road
Vadivel Nagar,
L.N.S., Karur-639 002.

4.Enrge Frontier Pvt Ltd.,
S.F.No.104/1, N.M.Medu Naducombai PO,
Namakkal-637 104.
[Respondent No.4 impleaded as per order
dated 7.6.2024 made in WMP No.16338 of 2024]

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the entire records pertaining to the impugned order passed by the first respondent vide REF:CFMARC-1 KVB/Suganthi/01/2024-25 dated 25.4.2023 which received by the petitioner as on 27.4.2024 and quash the same and consequently direct the first respondent to grant the petitioners a period of 3 month's to redeem the mortgage as issued by the first respondent to the petitioner's vide letter REF:CFMARC-1 KVB/Suguanthi/2/2023-24 dated 15.3.2024.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for M/s.V.Ponnappa Bharathi

For Respondents : Mr.Vijay Narayan
Senior Counsel
for M/s.Abishek Jenasenan
for respondent No.1



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: Mr.Mohan Ranganathan
for respondent No.2

: Mr.S.Sathyanarayanan
for respondent No.3

: Mr.R.Parthasarathy
Senior Counsel
for Ms.Ashwini Devi
for respondent No.4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

After the petition was heard for some time, Shri Raghavachari sought leave to withdraw the petition with liberty to approach the Debts Recovery Tribunal. Shri Raghavachari further requested that since there was stay running in petitioners' favour all these days, two weeks' time be given to approach the Debts Recovery Tribunal and apply for stay/appropriate reliefs. Shri Raghavachari states that respondents before us shall be made as respondents in the appeal.

2. Petition is dismissed as withdrawn with liberty as prayed for.



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There shall be no order as to costs. Consequently, interim application stands closed. W.M.P.No.14312 of 2024 filed to permit petitioners to file a single writ petition is allowed. The stay that was granted earlier by this court shall be continued up to and including 4th December, 2024. The Debts Recovery Tribunal shall not be influenced by any order passed by this court earlier. If appeal is filed within two weeks from today, the delay, if any, shall be deemed to have been condoned. All rights and contentions of the parties are kept open.

It is made clear that we have not made any observation on the merits of the matter.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

20.11.2024

Index : Yes/No

NC : Yes/No

bbr

To:

The Karur Vysya Bank Ltd.,

No.20, Erode Road

Vadivel Nagar,

L.N.S., Karur-639 002.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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