



A.No.717 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 26.02.2024

**CORAM**

**THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

**A.No.No.717 of 2017**  
**in CS.No.D15178 of 2015**

P.Sundaram

..Applicant/Plaintiff

Versus

1.Indian Bank  
Rep by its Assistant General Manager  
ARMB-II Branch  
No.55, Ethiraj Salai  
Chennai – 600 008

2.The Recovery Officer  
DRT-I, 6<sup>th</sup> Floor, Spencer Town  
770-A, Anna Salai  
Chennai – 600 002

3.M/s.Ravishankar Industries Pvt Ltd  
(Formerly known as Ravishankar Films P. Ltd  
No.2, Sarangapani Street  
T.Nagar, Chennai – 600 017

4.M/s.J.D.A. Consultancy Services Pvt. Ltd  
Rep by its Managing Director  
Casa Blanks Complex, 1<sup>st</sup> Floor  
Egmore, Chennai – 600 008



A.No.717 of 2017

5.M/s.Infrastructure Leasing and Finance  
Services Ltd (IL&FS)  
Rep by its Managing Director  
IL&FS Financial Centre, Wescare Tower,  
III Floor, No.16, Centoph Road  
Teynampet, Chennai – 600 018

6.Gangadurai

7.Muruvan Alias Murugappa Naicker

8.Palaniappa Estates

Represented by its Proprietor P.L.Sundaram  
S/o Late Palaniappa Chettiar  
No.16, First Floor, North Usman Road  
T.Nagar, Madras – 600 017

9. Prakrithi Foundation Limited

Represented by its Director Mr.M.Rozario  
S/o.M.C.Marinathan  
New No.12, Old No.50, V.G.Gardens  
1<sup>st</sup> Street, Mandaveli, Chennai – 600 028

.. Respondents/Defendants

Prayer in A.No.171 of 2017: Application filed seeking to grant an order of leave to sue against the respondents 6 and 7, in respect of schedule of property of the suit.

Prayer in C.S.No.D15178 of 2015: Civil Suit filed under Order VII Rule 1 CPC read with Order IV Rule 1 of Madras High Court Original Side Rules 1956 read with praying for the following judgment and decree against the



A.No.717 of 2017

defendants.

WEB COPY

a) for a declaration that the certificate of sale of the property in Certificate dated 03.01.2007 in pursuance of recovery certificate No.187/2001 dated 11.12.2001 is null and void;

b) consequently to restrain defendants 1, 2 and 4 by a decree of permanent injunction from proceeding further on the basis of certificate of sale dated 03.01.2007 in pursuance of recovery certificate No.187/2001 dated 11.12.2001.

c) to pay the costs of the suit

For Plaintiff : Mr.S.Ramesh Kumar

For Defendants : Mrs.Subharanjani Anandh for D4  
No appearance for D1 to D3, D5 to D9

### **JUDGMENT**

The applicant/plaintiff seeks this Court to withdraw the suit with a liberty to file a fresh suit in the same cause of action, since, the pecuniary jurisdiction of this Court and civil courts have been raised, the suit is not maintainable.



WEB COPY



A.No.717 of 2017

**N.SATHISH KUMAR, J.**

2. Such view of the matter, liberty is granted to the plaintiff/applicant to file a fresh suit with the same cause of action within a period of two months. Accordingly, this application is withdrawn as dismissed and the suit is rejected in the admission stage itself. No costs. Registry is directed to refund the Court fee.

**26.02.2024**

dhk

Internet : Yes

Index : Yes / No

A.No.No.717 of 2017  
in CS.No.D15178 of 2015