

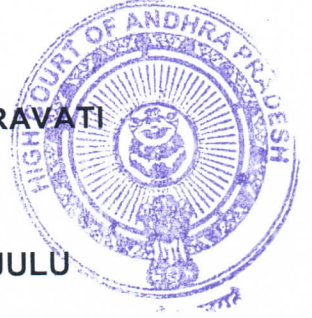
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE FOURTH DAY OF JULY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

AND

THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA



IA No. 2 OF 2023

IN

WP NO: 15848 OF 2023

Between:

Ankam Chenchu Krishnaiah, S/o late Chenchu Ramaiah, aged 58 years, Old
Tunikala & Kolathala Office Lane, II Town, Court Centre, Gudur, Tirupati District,
Andhra Pradesh.

...Petitioner

AND

1. M/s. Edelweiss Asset Reconstruction Company Limited, Regd. Office at
Edelweiss House, Off. CST Road, Kalina, Mumbai-400098. rep. by its
Authorised Officer.
2. Magma Housing Finance, Regd. Office.8, Sant Nagar, East of Kailash, New
Delhi-110065, rep. by its Managing Director.

...Respondents

Counsel for the Petitioner

:Sri KOCHIRI RAJA SHEKAR

Counsel for the Respondents : -----

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent not to take any coercive steps against the petitioner's property bearing door No.4-1-29, consisting of Ground + 3 upper floors, constructed in an extent of 66 sq.yards in Naidupet, Tirupati District (previously in SPSR Nellore District), Pending disposal of WP No. 15848 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

"Heard learned counsel for the petitioner who is before this court stating that he has borrowed an amount of Rs.14,40,00/- on 29.09.2015 from respondent No.2-Magma Housing Finance (a public company with unlimited liability).

However, Respondent No.1 has filed CrI.M.P.No.97 of 2023 before the Magistrate-cum-Principal Assistant sessions Judge, Nellore, Nellore District

under section 14 of the SARFAESI Act seeking the Court's assistance for taking possession of the property belonging to the Petitioner.

Learned counsel for the petitioner point out that on 13.01.2022 notice was issued by the respondent No.1 under section 13(2) and the addresses are residents of West Bengal. They have availed the loan of Rs.20,00,000/- from L & T Housing Finance Limited on 10.05.2017. Learned counsel for the petitioner points out that the notice does not pertain to the petitioner or to the loan availed by him from Magma Housing finance. Therefore, he submits that the further proceedings pursuant to the said notice are not sustainable in law.

Prima facie, in the opinion of this court, learned counsel made out points which require further investigation. There shall be an interim order as prayed for restraining the respondents and their men in agents including the Advocate commissioner from taking coercive steps against the petitioner's property including the possession of the same bearing D.No.4-5-29 in Naidupet, Tirupati District.

This order shall remain in force for a period of three (3) weeks."

//TRUE COPY//

SD/-U.SREEDEVI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Authorised Officer, M/s, Edelweiss Asset Reconstruction Company Limited, Regd.Office at Edelweiss House, Off. CST Road, Kalina, Mumbai-400098.
2. The Managing Director, Magma Housing Finance, Regd.Office.8, Sant Nagar, East of Kailash, New Delhi-110065.(Addressee nos.1 & 2 by RPAD)
3. One CC to SRI. KOCHIRI RAJA SHEKAR Advocate [OPUC]
4. One spare copy

CVSS



HIGH COURT

DVSSJ &
DVRJ

DATED:04/07/2023

LIST ON 25.07.2023.

ORDER

IA No. 2 OF 2023
IN
WP NO: 15848 OF 2023

DIRECTION

