

SASR No.9655/2023
(E-drtDiary No.4221/2023)

07.08.2023

(Mrs. K. Sudha, W/o Mr. Kathirvel, Flat No. F3, First Floor, Adhitya Apartments, 7th Cross, Kamakotti Nagar, Pallikaranai, Chennai – 600 100 – Vs. – The Authorised Officer, Bajaj Finance limited, Unit No. 209, 210, 2nd Floor Alpha Wing, Beta Wing, Raheja Towers, 177, Anna Salai, Chennai – 600 002 & 4 Others)

This case is taken up on mentioning made by Ld. Counsel for applicant today. This SA is filed challenging the measures initiated by respondent bank under Section 14 of SARFAESI Act before Ld.CJM, Chengalpattu in C.M.P. No. 4339 of 2023 dated 13.07.2023 for recovery of a sum of Rs.50,36,963/-.

This case is posted before the Bench for deciding on maintainability of SA, as the lease period expired on 2020 instance and applicant being third party tenant, claims to have preferred to Civil Suit before Ld. District Munsiff at Alandur in OS No.349 of 2021 seeking permanent injunction restraining 2nd respondent from interfering with the peaceful possession and not evict the applicant without due process of law from the subject property and the same is pending adjudication.

Heard Ld. Counsel appearing for applicant. Memo vide SR.No.10040/2023 dated 02.08.2023 is filed on behalf of applicant submitting therein that she is facing serious health issues and undergoing continuous treatment in global hospital and hence undertakes to vacate the premises within three months time.

In the circumstances, issue notice to respondent bank at the maintainability stage. Private notice and notice by E-mail is also permitted. Call on 17.08.2023 for filing AOS by applicant.

PO