



CRP(MD). No.3840 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3840 of 2025
and
C.M.P.(MD) No.20225 of 2025**

1. Dr.Jaishith Jebakumar Manuel

2. Pon Manju Usha.

... Petitioners

Vs

1. R. Srinath

2. Vasu Devan

3. Vikram Dasan

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned order passed by the Court of the Learned Principal District Munsiff, Nagercoil, Kanyakumari District dated 05.12.2025 in IA No.2 of 2025 in OS No.118 of 2025 and set aside the same and allow the IA No.2 of 2025 in OS No.118 of 2025 by restraining the respondents from conducting sale of the Plaint Schedule properties in any manner whatsoever till the dispose of the Suit.

For Petitioners : Mr.Isaac Mohan
for M/s.Isaac Chambers



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ORDER

The Civil Revision Petition is filed to set aside the order dated 05.12.2025 in IA No.2 of 2025 in OS No.118 of 2025 learned Principal District Munsif, Nagercoil, Kanyakumari District.

2. The learned Senior counsel for the petitioner submits that the Trial Court has passed an order under SARFAESI Act, 2002, where the jurisdiction of the civil court is usurped and that it is just to be agitated only before the DRT as per Sections 17 r/w 34 of the SARFAESI Act, 2002. An application was filed before the Chief Judicial Magistrate for taking possession of the suit scheduled property. According to the learned Senior Counsel, the initiation of the suit itself is without jurisdiction and without approaching the DRT, the suit was entertained and based on that, an order of attachment has been passed.

3. The learned Senior Counsel further pointed out that an Advocate Commissioner was appointed by the Chief Judicial Magistrate in Cr.M.P.No.2957 of 2025. He further pointed out that earlier, a loan facility was availed by the revision petitioner and an Emergency Credit



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Guaranteed Loan was sanctioned to the petitioner to manufacture oxygen, which was brought in at the time of COVID to save the lives of the people who were suffering from COVID. The petitioner has availed the same for a loan of Rs.2,00,00,000/- (Rupees Two Crores only), but only Rs.9,00,000/- was released. The rest of the amount was not sanctioned to the petitioner, however, the same was adjusted to earlier loan outstanding.

4. He further pointed out that this loan amount was sanctioned based on the plaintiff's claim that they stand under the MSME Act, 2006. He relied upon the judgement reported in **2025 (2) Writ L.R. 34 in A.K.Karthikeyan vs the Authorised Officer, Canara Bank**, wherein the Hon'ble Division Bench while considering the claim made in the case with regard to the consideration of MSME Act, 2006, held that MSME is a statutory one, which was decided by the Hon'ble Supreme Court in **M/s. Pro Knits and other vs. Board of Directors of Canara Bank, reported in 2024 (10) SCC 292** that MSME Act, 2006, will prevail over any other Act.



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5. Considering the same, there shall be an order of interim stay of further proceeding.

6. Issue notice to the respondents returnable on 28.01.2026. Private notice is also permitted. List this case on **28.01.2026**.

18.12.2025

apd

To
The Principal District Munsiff,
Nagercoil,
Kanyakumari District.



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N.SENTHILKUMAR, J

apd

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