

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

C.R.P. (PD) No. 3086 of 2014

Mirra & Mirra Industries
rep. By its Sole Proprietor
Mr. S. Shankar,
No.5A D'Silva Road,
Mylapore, Chennai.4.

.. Petitioner

Vs.

1. B. Usharani

2. Indian Bank,
ARM Branch, Chennai.8,
rep. By Authorised Officer
& Chief Manager

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 07.08.2014 in I.A.No. 530 of 2014 in S.A.No. 155 of 2013 on the file of the Debts Recovery Tribunal III, Chennai.

For Petitioner : Mr. R. Srinivas

For Respondents : No Appearance – R1
Mr. T. Sundara Rajan - R2

- - - - -

ORDER

(Order of the Court was made by **SATISH K. AGNIHOTRI,J.,**)

Challenge in this civil revision petition is to the order dated 07.08.2014 passed by the Debt Recovery Tribunal-III, Chennai. The impugned order is appealable under Section 20 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993, to the Debt Recovery Appellate Tribunal.

2. The facts in brief which led to the filing of this petition are that the petitioner who is an auction purchaser, filed a petition to stay all further proceedings of the application in S.A.No. 155 of 2013 on the file of the Debts Recovery Tribunal, pending disposal of the CRP No. 140 of 2014 on the file of this Court. The said stay petition was dismissed holding that the said civil revision petition is not against the SARFAESI application. The Tribunal also made it clear that if the petitioner is aggrieved against the order, he can approach the Debt Recovery Appellate Tribunal by way of appeal. The petitioner, without doing so, has filed this civil revision petition questioning the order of the Tribunal, which cannot be entertained.

3. In view of the above, this civil revision is dismissed.

However, the petitioner is permitted to file an appeal before the Debt Recovery Appellate Tribunal, within a period of one week from the date of receipt of a copy of this order. If the appeal is filed within the prescribed time, the same shall be considered and necessary orders shall be passed without reference to limitation. Consequently, M.P. No. 1 of 2014 is dismissed. No costs.

(S.K.A., J.) (M.V. J.,)

02.02.2015

Index : Yes/No

ra

To

The Presiding Officer,
Debts Recovery Tribunal-III,
Chennai.

SATISH K. AGNIHOTRI, J.
and
M. VENUGOPAL, J.

ra

CRP(PD) No. 3086 of 2014

Date: 02.02.2015