

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:05-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.15851 of 2015
and
M.P.No.1 of 2015

Indian Overseas Bank
Cathedral Branch
No.762 Anna Salai
Chennai-2.

...Petitioner

Vs

M/s.Aascar Films (P) Ltd
Rep. by its Managing Director
V.Ravichandran
No.9 10th Avenue
Ashok Nagar
Chennai-83.

...Respondent

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records relating to the order dated 19.5.2015 made in S.A.71 of 2015 on the file of the Debts Recovery Tribunal-II at Chennai quash the same

For petitioner : Mr. F.B. Benjamin George

सत्यमेव जयते
ORDER

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

Being aggrieved by the order dated 19-05-2015, passed in S.A.No.71 of 2015 (M/s. Aascar Films Pvt. Ltd., Vs. Indian Overseas Bank), the petitioner bank is before us.

2. The learned counsel for the petitioner submitted that no useful purpose would be served if the petitioner is driven to the appellate authority as the learned Presiding Judge of the Debt Recovery Tribunal had passed the order impugned in derogation of the view taken by this Court in order dated 29-04-2008 passed in W.P.Nos.35427 of 2007, 5947, 5948 and 6491 of 2008.

3. Be that as it may, even if the learned Presiding Judge of the Debt Recovery Tribunal had taken a view contrary to the one taken by this Court in the aforesaid batch of cases, the Appellate Tribunal is fully competent to correct the error, if any. Thus, without expressing any opinion on the merits of the case, we are not inclined to entertain this petition at this stage. However, liberty is reserved to the petitioner to take recourse to the appropriate statutory forum, as available under the provisions of law.

4. In the result, the writ petition is dismissed with liberty to the petitioner, as indicated above. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

glp

To

The Debts Recovery Tribunal - II,
Chennai.

1 CC to Mr. F.B. Benjamin George, Advocate SR.No. 26894

W.P.No.15851 of 2015

KK (CO)
PSI (19.06.2015)

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