

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Orders Reserved on 25.02.2015]

Dated:16.03.2015

Coram

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

W.P.No.19136 of 2014

1.J.Shanthakumari
2.N.Jayanthi
3.K.Usha
4.T.Anusha

... Petitioners

Vs.

1.The Registrar,
Debts Recovery Tribunal,
Chennai.

2.Indian Bank, ARM Branch,
Circle Office Buildings,
No.55, Ethiraj Salai, Egmore,
Chennai - 600 008.

3.M/s.J.G.Jewels P Ltd.,
Rep. By Mr.Ashok Kumar,
16-B, Rajarathinam Street,
Kilpauk, Chennai - 10.

4.R.Ganga
5.T.K.R.Prabu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records in respect of S.R.No.6692/2013 in O.A.No.135/1998 and quash the same and further directing the 1st Respondent to number the case and pass orders on merits.

For Petitioner

: Mr.P.Vijendhiran

For 1st Respondent

: Tribunal

For 2nd Respondent

: Mr.Jayesh B. Dolia
For M/s.Aiyar & Dolia

For 3rd Respondent : Mr.N.Anand Venkatesh

For 4th & 5th Respondents : No appearance

ORDER

The Petitioners have preferred the instant Writ Petition praying for passing of an order by this Court in calling for the records in respect of S.R.No.6692/2013 in O.A.No.135/1998 and to quash the same. Further, they have sought for passing of an order by this Court in directing the 1st Respondent to number the case and pass orders on merits.

2. Writ Facts:

(i) According to the Petitioners, the property situated at Papparambakkam Village, Thiruvallur Taluk, comprised in Survey No.565/2 measuring to an extent of 2.90 acres originally belonged to their father viz., Ramachandra Reddy, who expired on 02.10.1999 leaving behind his wife, 4 daughters and a son. After the demise of their father, they searched for title deeds in respect of the property and the same was found missing. As a matter of fact, the said property stood in the name of the deceased and encumbrance certificate also did not reflect any adverse entry. As such, after issuing public notice, they sold out the properties to numerous third parties by means of Registered Sale Deeds and also they were put in possession and further, the mutations of revenue records were effected.

(ii) The version of the Petitioners is that on 05.10.2013 all of a sudden some police men attached to the Land Grabbing Cell came to their house and called for an enquiry and only then, they came to know that their purchasers had alleged a complaint against them by alleging that the property was sold suppressing the fact that the deceased father T.K.Ramachandran had given immovable property as security which is in question. Also that, they showed some documents to the effect that O.A.No.135 of 1998 was filed by the 2nd Respondent/Bank against one M.B.Abdul Khader and their deceased father T.K.Ramachandra. Moreover, they had claimed that their deceased father had given his immovable property as security and was not served with any summon in the O.A. and he died intestate on 02.10.1999, leaving behind the Petitioners, his wife viz., their mother and a son, as legal heirs who are entitled to succeed to his estate.

(iii) It is the specific case of the Petitioners that the 2nd Respondent/ Bank had not bothered to take effective steps to serve notices on them and bring the legal heirs on record. In fact, the

Bank and the Recovery Officer had chosen to proceed with the sale of immovable property of their deceased father by issuing a demand notice, attachment, proclamation of sale and auction sale etc. all in the name of dead person. In short, the entire procedure adopted by the 2nd Respondent/Bank and the Recovery Officer is unlawful and violative of principle of natural justice.

(iv) Besides the above, the grievance of the Petitioners is that 10 years after the death of their father, Debt Recovery Certificate dated 11.11.2009 in D.R.C.No.182 of 2009 was issued in the name of dead person i.e. T.K.Ramachandran, who was arrayed as 3rd Defendant in the Original Application. Later, a demand notice was issued in the name of their father, without impleading the legal heirs and putting them on notice. In fact, the 2nd Respondent/Bank had chosen to execute the Debt Recovery Certificate. Also that, the attachment was effected in the name of dead person and the legal heirs were deliberately kept in dark in regard to the distress action and a fair procedure was not followed.

(v) The conduct of the 2nd Respondent/Bank is not valid because of the fact that it had hurriedly with an ulterior motive proceeded with the auction and sale of the mortgaged properties, by initiating and issuing all notices and processes in the name of their deceased father. No sanctity could be attached to the auction sale that took place on 03.12.2010 in favour of an auction purchaser. That apart, no paper publication was effected in a daily which had wide publicity and no endeavour was made to fetch good market price for the property. Even the publication that was effected in a daily is an insignificant one and also that, no proper valuation was obtained by the 2nd Respondent/Bank.

(vi) The pith and substance of the contention of the Petitioners is that the entire execution proceedings and subsequent impugned sale in favour of the 2nd Respondent/Auction Purchaser is a nullity and liable to be set aside. After coming to know about the unlawful sale of immovable property of their deceased father in favour of auction purchaser by the 2nd Respondent/Bank, the 3rd Petitioner filed a Petition before the Debts Recovery Tribunal seeking the following reliefs:

"i. Remove the order of attachment effected as against the property made in DRC No.182/2009 dated 11.11.2009, in O.A.No.135/1998, on the file of DRT-I, Chennai.

ii. Condone the delay in filing the petition to set aside the sale dated 10.02.2011 registered at the office of sub-Registrar, Manavala Nagar, vide Document No.852/2011 in favour of 2nd Respondent as illegal, invalid and non-est in the eyes of law.

iii. To set aside the certificate of sale of immovable property, more fully described in the schedule hereunder, dated 10.02.2011 registered at the office of Sub-Registrar, Manavala Nagar, vide No.852 of 2011 arising out of alleged public auction dated 03.12.2010 in execution of Debt Recovery Certificate No.182/2009 dated 11.11.2009, in O.A.No.135/1998, on the file of DRT-I, Chennai, in so far as relates to estate of petitioner's deceased father (late) Mr.T.K.Ramachandran as illegal, null and void and pass such further or other orders and thereby render justice.

iv. Recall the sale certificate dated 10.02.2011 registered at the office of sub-Registrar, Manavala Nagar, vide Document No.852/2011 in favour of 3rd Respondent in respect of property described in the schedule to the petitioner.

v. Communicate the order of cancellation of the sale dated 10.02.2011 registered at the office of sub-Registrar, Manavala Nagar, vide Document No.852/2011 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

and the said application was assigned as S.R.No.6692/2013 before the Debts Recovery Tribunal - I, Chennai.

(vii) The Tribunal, without numbering the application and without providing an opportunity to the 3rd Petitioner, passed the following order on 15.05.2014:

"Final order passed on 04.05.1999 and despatched to all on 06.05.1999. T.K.R. died on 2nd October, 1999. Hence, during his lifetime T.K.R. Not chose to contest the Final Order. Hence, the estate of T.K.R. is liable for attachment sale."

Petitioners' Contentions:

3.The Learned Counsel for the Petitioners submits that the impugned order passed by the 1st Respondent/Debts Recovery Tribunal, dated 15.05.2014 is an unlawful one, besides the same is against the Principles of Natural Justice.

4.The Learned Counsel for the Petitioners takes an emphatic plea that the 1st Respondent should have numbered the application and without numbering the same, had passed the impugned non-speaking order without application of mind.

5.The Learned Counsel for the Petitioners puts forward a contention that the Petitioners father T.K.Ramachandra expired on 02.10.1999 and as such, the very initiation and conclusion of recovery proceedings and issuing all process in the name of their deceased father is a nullity, which has no sanction in the eye of Law.

6.The Learned Counsel for the Petitioners submits that all the legal representatives of deceased T.K.Ramchandra are entitled to the notice and they should be provided with an opportunity to participate in the proceedings before the Tribunal and in the present case, it was not resorted to.

7.Continuing further, it is the plea of the Learned Counsel for the Petitioners that the non-service of demand notice and conducting ex parte proceedings against their deceased father is an invalid and improper one.

8.The Learned Counsel for the Petitioners refers to the Division Bench order of this Court dated 01.12.2010 in W.P.No.27230 of 2009 (between S.Suhaina Banu and others V. Indian Bank rep. By its Chief Manger and Authorised Officer and others) [from CDJ Law Journal 2010 MHC 7654], wherein in paragraph Nos.7 & 8, it is observed and held as under:

"7.Point No.(ii): Whether the notice under sub-section (4) of Section 13 affixed in the property by the respondent-Bank showing only the name of the deceased guarantor as the owner of the property could be considered to be a sufficient compliance of the provisions of Section 13(4) read with Rule 8 of the Security Interest (Enforcement) Rules. Sub-rule (1) of Rule 8 provides that where the secured asset is an immovable property, the authorised officer shall take possession or cause to be taken possession by delivering a possession notice prepared as nearly as possible in Appendix-IV to the rules to the borrower and by affixing the possession notice on the outer door or at such conspicuous place of the property. This rule speaks of delivering a possession notice to the borrower or guarantor, as the case may be, and as well affixing the said notice on the outer door or at such conspicuous place of the property. Here again, after the demise of the

borrower/guarantor, the possession notice should be delivered to the legal heirs of the borrower/guarantor and also by affixing the said notice on the outer door or at such conspicuous place of the property of the borrower/guarantor. The affixure is in addition to delivery of the possession notice to the borrower/guarantor. In the given case, the first respondent-Bank had admittedly affixed the possession notice only in the property and there is no material to show that the notice was delivered to the legal heirs of the borrower/guarantor and it is not the stand of the respondent-Bank as well. In the event the possession notice is not delivered on the borrower/guarantor or the legal heirs of the borrower/guarantor, as the case may be, the provisions of Rule 8 of the Security Interest (Enforcement) Rules are not complied with and in that sense, the respondent-Bank cannot claim to have complied with those provisions. That apart, the affixure of notice by showing the name of the deceased/guarantor as the owner of the property cannot be sustained on the facts of this case, as the said notice was neither delivered on the legal heirs nor was affixed showing the names of the legal heirs on the outer door or at such conspicuous place of the property. In that view of the matter, the respondent-Bank has not complied with the provisions of Section 13(4) and cannot proceed further under the SARFAESI Act against the petitioners. The point no.(ii) is answered accordingly.

8. In view of the above, we are not inclined to go into the other contentions raised by the learned counsel for the respondent-Bank in this writ petition. In that view of the matter, in our considered view, the entire proceedings against Mrs.A.Zoharalal-guarantor, who died on 23.11.2008, should be considered to be initiated against a dead person and cannot be sustained in the eye of law. Accordingly, the writ petition is allowed and the entire proceedings initiated by the respondent-Bank against the dead person Mrs.A.Zoharalal are declared invalid. Consequently, M.P.No.1 of 2009 is closed. No costs."

9. The Gist of Counter of 2nd Respondent/Bank:

(i) The relief sought for by the Petitioners in the Writ Petition is not maintainable in Law, in view of the fact that they had not availed an alternative and efficacious remedy of filing of an Appeal under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 before the Debts Recovery Appellate Tribunal. The Petitioners father T.K.Ramachandra stood as Guarantor for the credit facilities availed by one Abdul Kader, Proprietor of M/s.Haseena Chem, who approached the Chinthadripet Branch of the Bank for his business purposes.

(ii) In fact, the Petitioners' father guaranteed the due repayment of the loan availed by Abdul Kader (Principal borrower). Also that, their father offered his immovable property measuring an extent of 2.90 acres as collateral security by means of deposit of title deeds with an intention to create an 'Equitable Mortgage'. Because of the fact that the borrower had failed to repay the loan, the 2nd Respondent/Bank filed O.A.No.135 of 1998 before the Debts Recovery Tribunal and in the said application, the Petitioners' father figured as 2nd Defendant.

(iii) Further, the Tribunal on 30.06.1998 directed the Bank to issue fresh summons to the Defendants 1 and 2 in the Original Application by registered post with acknowledgement due and publication by 06.10.1998. As a matter of fact, the summons to be served on Petitioners' father had returned with an endorsement 'Left' and the Bank had also effected publication as directed by the Tribunal. Since the Petitioners' father had not entered appearance, he was set Ex parte by the Tribunal on 06.10.1998. The Petitioners' father had not taken steps to set aside the ex parte order and ultimately, the Original Application was allowed by the Tribunal on 04.05.1999. The Petitioners' father was alive on the date of passing of the order and as such, the issue of 2nd Respondent/Bank taking steps to bring the 3rd Petitioner and other legal heirs on record does not arise. The papers relating to the borrower account was transferred from Chinthadripet Branch to the 2nd Respondent/Bank on 05.08.2009. On 23.11.2009, the Bank obtained Recovery Certificate in DRC.No.182 of 2009.

(iv) Further, on 13.07.2010 an order of attachment was passed by the Tribunal after due notice to the last known address of the guarantor/ mortgagor. Even at that point of time, the Petitioners kept quite and further, no objections were received from them.

(v) Besides this, the Petitioners had suppressed the fact that the father died on 02.10.1999 and had not chosen to inform the 2nd Respondent/Bank about his death, nor they had approached the Tribunal seeking necessary reliefs. Per contra, they had clandestinely plotted out the mortgaged property and conveyed them to various third parties.

(vi) After passing of the attachment order, a sale proclamation was issued on 01.11.2010 proposing to bring the mortgaged property for auction sale on 03.12.2010 and in this regard, a notice was issued by the Tribunal to the guarantor/mortgagor. Despite the same, the Petitioners remain mute spectators. Moreover, on 03.12.2010 the Tribunal conducted the auction sale as notified in the Sale Proclamation on 01.11.2010. In fact, the property was sold for a sum of Rs.80 lakhs and that the 3rd Respondent was declared as successful bidder and the order of confirmation of sale was issued in his favour on 12.01.2011.

(vii) The 2nd Respondent/Bank also issued Sale Certificate dated 10.02.2011 which was duly registered and the sale proceeds were adjusted against the dues of the borrower to an extent of Rs.66,66,363.27 and the balance sum of Rs.13,33,636.73 is lying with the Recovery Officer, Debts Recovery Tribunal - I, Chennai.

(viii) The 5th Respondent, the Petitioners' brother, approached this Court on 01.08.2012 by filing W.P.No.21312 of 2012 challenging the Sale Certificate dated 10.02.2011 in which the 2nd Respondent/Bank took a plea that he had not exhausted the alternative and efficacious remedy of approaching the Tribunal under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. Finally, the 5th Respondent withdrew W.P.No.21312 of 2012 and this Court dismisses the said Writ Petition as withdrawn on 07.01.2013.

(ix) The allegation that the 2nd Respondent/Bank and the 3rd Respondent had acted in connivance with each other is a baseless one. Before the sale of the property, a valuation report was obtained. The upset price was fixed on the basis of valuation report of the approved valuer.

10. The Resume of Counter of 3rd Respondent:

(i) The Petitioners' have approached this Court with unclean hands. Further, the Petitioners brother filed W.P.No.21312 of 2012 and later, it was withdrawn by him on 07.01.2013 and this Court dismissed the said Writ Petition.

(ii) In fact, final orders were passed in O.A.No.135 of 1998 on 04.05.1999 and the 2nd Respondent/Bank with a view to execute the order passed in O.A. filed DRC.No.182 of 2009 and orders were passed in DRC on 11.11.2009. Thereafter, a public auction was held on 03.12.2010 and in the said public auction, the 3rd Respondent was the highest bidder and therefore, a Sale Certificate was issued in his favour on 10.02.2011 by the 1st Respondent/Tribunal and the same was registered on the file of Sub Registrar Office, Manavala Nagar, bearing Document No.852/2011. As such, the 3rd Respondent is the owner of the property.

(iii) As on date, no proceedings are pending challenging the

Sale Certificate issued in favour of the 3rd Respondent. As an auction purchaser, the 3rd Respondent has a vested right in the property and that the Writ Petition is a clear abuse of process of Court. There are no merits in the Writ Petition.

Discussions:

11. There is no second opinion of the fact that the Petitioners' father stood as a guarantor, guaranteeing the due repayment of the loan availed by Abdul Kader, Proprietor of M/s. Haseena Chem (original borrower). Also that the Petitioners' father had offered his immovable property measuring an extent of 2 acres 90 cents as a collateral security by means of deposit of title deeds with an intention to create an equitable mortgage. Inasmuch as the borrower had defaulted in repayment of loan, the 2nd Respondent/Bank had filed O.A.No.135 of 1998 before the Debts Recovery Tribunal, Chennai and the Petitioners' father was shown as D2 in that proceedings.

12. It transpires from the records that the 1st Respondent/Tribunal on 30.06.1998 directed the Bank to issue fresh summons to D1 and D2 in O.A.No.135 of 1998 by R.P.A.D. and ordered publication by 06.10.1998. It is evident that in so far as the Petitioners' father (T.K.Ramachandran) - 2nd Defendant was concerned, the summons in O.A.No.135 of 1998 taken through registered post was returned with an endorsement 'Left' and short initialled by the Postal Authority on 21.07.1998. In so far as the 1st Defendant in O.A.No.135 of 1998 the summons taken by the Bank through R.P.A.D. also got returned with an endorsement 'No such person' made by the Postal Authority on 20.07.1998. Also, the 2nd Respondent/Bank had effected publication in Tamil Daily 'Makkal Kural', Chennai Edition on 31.07.1998. A perusal of contents of the Publication latently and patently points out that the Defendants 1 and 2 in O.A. were put on notice to the effect that O.A.No.135 of 1998 filed by the Bank against them for recovery of Rs.17,31,360/- with interest and costs was posted for their appearance on 06.10.1998. Also, they were directed to be present at the D.R.T. Chennai at 10.30 a.m. on 06.10.1998 without fail, failing which, they were also informed that the matter would be decided in their absence. As such, the Defendants 1 and 2 were called absent and set ex parte before the Tribunal in the Original Application.

13. At this stage, it is to be pertinently pointed out that the Petitioners' father during his life time had not taken any concrete steps to set aside the ex parte order dated 06.10.1998. Based on the filing of the Proof Affidavit by the Bank, the Debts Recovery Tribunal passed an order on 04.05.1999 by allowing O.A.No.135 of 1998 and further declared that the Bank was entitled to a recovery certificate against the Defendants for a sum of Rs.17,31,360/- with future interest at 12% per annum simple interest from the date of plaint till the date of realisation with costs which includes Advocate Fees as per the rules prevailing in the State. Further, the

Tribunal declared that in case of default of payment by the Defendants, the Applicant Bank was at liberty to sell the plaint schedule properties and to adjust the sale proceeds towards the amount due and also proceeded to declare that if the sale proceeds were not sufficient after defraying the expenses of such sale for the payment of all such payment, the D1 and D2 were held personally liable to pay the amount of such deficiency with interest mentioned above until realisation.

14. In view of the fact that the summons taken through registered post by the Bank addressed to the 2nd Defendant (Petitioners' father) got returned with an endorsement 'Left', as stated supra, it cannot be contended that on the part of the Petitioners that the summons was not served on their father. When the Tribunal passed an order on 04.05.1999, the Petitioners' father was very much alive and it is to be remembered that their father died only on 02.10.1999. Apart from that, the concerned papers pertaining to the borrower's account was transferred from Chinthadripet Branch to the 2nd Respondent/Bank on 05.08.2009 and on 23.11.2009, the Bank had obtained Recovery Certificate in D.R.C.No.182 of 2009. As a matter of fact, an attachment order was passed on 13.07.2010 by the Tribunal after due notice to the guarantor/mortgagor's last known address. Even at that point of time the Petitioners had not raised their little fingers to project their objections.

15. It cannot be brushed aside that the sale proclamation was issued on 01.11.2010 indicating to bring the mortgaged property for auction sale on 03.12.2010. At this stage, it is the emphatic plea of the 2nd Respondent/Bank that a notice in fact was issued by the Tribunal to the guarantor/mortgagor. In fact, on 03.12.2010 the Tribunal conducted the auction and that the property was sold for Rs.80 lakhs and the 3rd Respondent, who was declared as a successful bidder, was issued with the sale confirmation order on 12.01.2011. The 1st Respondent/Tribunal issued the sale certificate on 10.02.2011, of course which was duly registered on the file of Sub Registrar Office, Manavala Nagar, bearing Document No.852/2011. Moreover, the sale proceeds were adjusted against the dues of the borrower to an extent of Rs.66,66,363.27 and the remaining sum of Rs.13,33,636.73 is lying with the Recovery Officer of D.R.T.-I, Chennai.

16. It is not the case of the Petitioners that they had informed the 2nd Respondent/Bank about the date of death of their father T.K.Ramachandran. It cannot be forgotten that the 5th Respondent, who is the brother of the Petitioners, filed earlier W.P.No.21312 of 2012 on 01.08.2012 before this Court and challenging the sale certificate dated 10.02.2011 and the same was withdrawn by him. Also that, the upset price in respect of the auction sale of the property was determined on the valuation report and the approved valuer. In reality, the valuation report was obtained prior to the sale of the property in question. The Petitioners, having allowed to the sale to

be confirmed in favour of the 3rd Respondent, is not entitled to question the same at a belated point of time.

17. Moreover, when the Petitioners had not informed the 2nd Respondent/Bank about the death of their father Ramachandran on 02.10.1999, then, it is not open to them to take a plea that the Bank should have issued notice to the legal representatives of their deceased father. Only if the 2nd Respondent/Bank had positive knowledge about the death of the Petitioners' father and in spite of the same, if they had proceeded with the auction sale of the property in question, only then, the sale can be held to be a non-est and a nullity, in the eye of Law. In this regard, the specific stand of the 2nd Respondent/Bank is that they came to know about the death of the Petitioners' father viz., T.K.Ramachandran only after issuance of legal notice by the 5th Respondent to the 3rd Respondent/auction purchaser.

18. Continuing further, a sale certificate dated 10.02.2011 issued in favour of the 3rd Respondent, who had become the absolute owner of the property by the 1st Respondent/Tribunal, is not challenged by the Petitioners and the legal position is that as an auction purchaser, the 3rd Respondent has a vested right in the property and one cannot upset the Apple-Cart at this distance point of time, which in the considered opinion of this Court, would cause irreparable loss and hardship to the 3rd Respondent/auction purchaser.

19. Besides these, the Debts Recovery Tribunal - I, Chennai on 15.05.2014 had passed an order inter alia stating that a final order in S.R.No.6692 of 2013 in O.A.No.135 of 1998 passed on 04.05.1999 and despatched to all on 06.05.1999 and that the Petitioners' father died on 02.10.1999 and during his lifetime, he had not chose to contest the final order and hence, ordered the estate of their father liable for attachment of sale. Being aggrieved against the order dated 15.05.2014 passed by the Debts Recovery Tribunal - I, Chennai in S.R.No.6692 of 2013 in O.A.No.135 of 1998, the Petitioners have filed the instant Writ Petition.

20. It is to be pointed out that notice/summons sent to the party received back with postal endorsement 'No such person' indicates avoidance thereof on the part of the party as per decision of the Hon'ble Supreme Court in State of Punjab and others V. G.S.Gill and another, (1997) 6 Supreme Court Cases 129, 133. Also, it is to be pointed out that service through registered post on correct address is a correct mode of service in the rent statute as per decision of the Hon'ble Supreme Court in M/s.Madan and Co. V. Wazir Jaivir Chand, (1989) 1 SCC 264.

21. At this stage, this Court significantly points out that certainly there is no indication in the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 nor there is any provision

to arrive at a conclusion that the order passed by the Tribunal is excluded from the purview of Appeal. As a matter of fact, the jurisdiction of the Appellate Tribunal is co-extensive with the powers of the Tribunal as per decision of the Hon'ble Supreme Court in Sardar Associates V. Punjab and Sind Bank reported in AIR 2010 SC 218. A Right of Appeal is of course a substantive right and in fact, the Petitioners have not availed the statutory remedy of preferring an Appeal as per Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

22.As such, when the impugned order dated 15.05.2014 in S.R.No.6692 of 2013 in O.A.No.135 of 1998 passed by the 1st Respondent /Tribunal is an appealable one under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, then the Petitioners without resorting to an alternative, effective and efficacious, appellate mechanism remedy approaching this Court invoking the extraordinary jurisdiction either under Article 226 or Article 227 of the Constitution of India is an impermissible one. Also, the facts of the present case are not so compelling or to intervene, because of the reason that no exceptional circumstances have been made out before this Court to exercise its judicial discretion in Writ Jurisdiction. Looking at from that angle, the Writ Petition filed by the Petitioners is a premature and otiose one. Consequently, the Writ Petition fails.

Result:

In fine, the Writ Petition is dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar

/true copy/

Sub Asst Registrar

Sgl

To

1.The Registrar,
The Debts Recovery Tribunal-I,
Chennai.

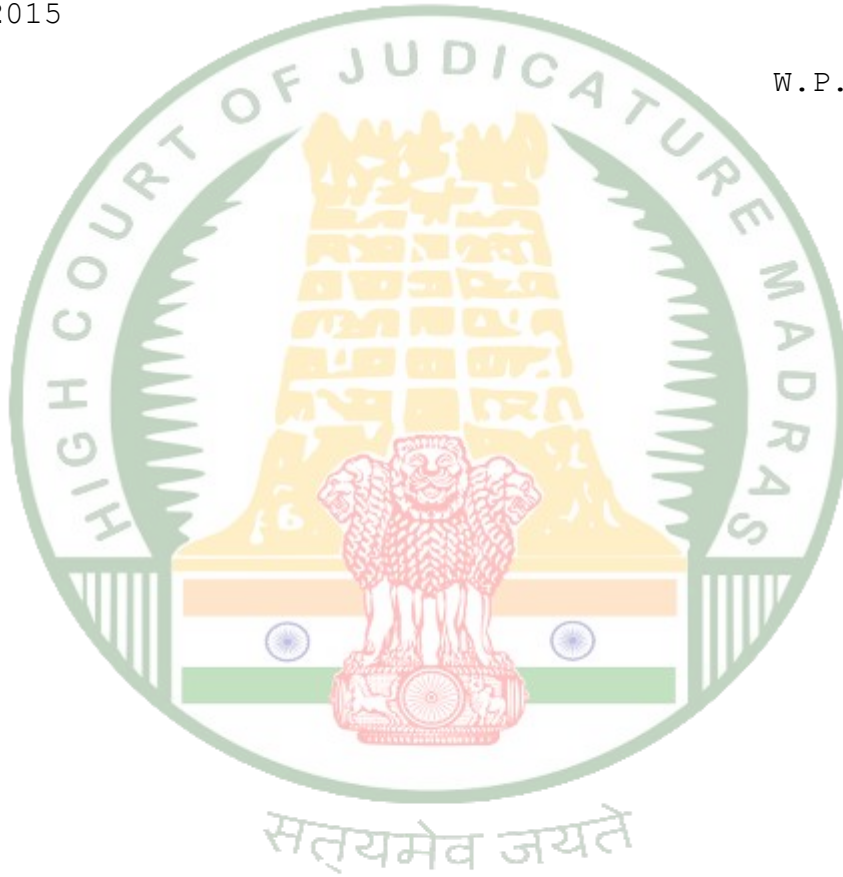
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Chennai - 600 008.

3.M/s.J.G.Jewels P Ltd.,
Rep. By Mr.Ashok Kumar,
16-B, Rajarathinam Street,
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+1 CC to M/S MR. AIYAR & DOLIA, ADVOCATE, SR.NO. 14570
+1 CC to M/S MR. N. ANAND VENKATESH, ADVOCATE, SR.NO. 14550

CO-GR
JD 20/03/2015

Order in
W.P.No.19136 of 2014



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