

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2015

CORAM

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

C.R.P. (PD) No. 4282 of 2013

1. Archana Institute of Technology
rep. By its Correspondent
Mrs. Archana Kumari,
No.7 Salem Main Road,
Thimmapuram 635 112,
Krishnagiri District.

2. Archana Educational &
Charitable Trust, rep. By its
Managing Trustee
Mrs. Archana Kumari,
No.7 Salem Main Road,
Thimmapuram 635 112,
Krishnagiri District.

3. Mrs. J. Archana Kumari

.. Petitioners

Vs.

1. H.D.F.C. Bank Limited
"Ceebros"
No.110 Nelson Manickam Road,
4th floor, Aminjikarai,
Chennai 600 029,
rep. By its Authorised Signatory
Mr. P. Kasi Viswanathan.

2. The Debts Recovery Tribunal-III,
Chennai.
(R2 impleaded as party respondent
vide order dated 12.2.2014 in crp
No.4282/2013)

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 05.9.2013 passed in I.A.No. 357 of 2013 in O.A.No. 219 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
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ORDER

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

This civil revision petition is filed against the dated 05.9.2013 passed by the Debts Recovery Tribunal III, Chennai, in I.A.No. 357 of 2013 in O.A.No. 219 of 2013.

2. Learned counsel appearing for the petitioner submits that on account of one or other reasons, the petitioner could not participate in the proceedings before the Debts Recovery Tribunal and therefore, one opportunity of hearing may be afforded to the petitioner to appear before the Tribunal and put forward his case and thereafter, the Tribunal may be directed to take appropriate decision in accordance with law. He further undertakes that no adjournment will be sought by the petitioner before the Tribunal.

3. Learned counsel appearing for the Bank submits that though the petitioner was given ample opportunities to participate in the proceedings and put forward his case, however, in view of the facts of the case, if further opportunity of hearing is afforded before the Tribunal, the Bank has no objection.

4. In view of that, without making any observation on the merits of the case, we set aside the impugned order and remit back the matter to the Tribunal to consider the case afresh and pass final orders after affording opportunity of hearing to the petitioner, if not already executed. The petitioner is further granted two weeks time to file a written submission and thereafter, the matter may be heard on day-to-day basis and be concluded within a period of four weeks .

5. This civil revision petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

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

03.03.2015

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Index: Yes/No

To

The Debts Recovery Tribunal-III,
Chennai.

SATISH K. AGNIHOTRI,J.

and

M. VENUGOPAL,J.

ra

CRP(PD) No.4282 of 2013

Date: 03.03.2015