

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.05.2016

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN  
and  
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.18372 of 2016  
and

WPMP. Nos.16070 and 16071 of 2016

1.S.Sekar, S/o.Somu Thevar  
2.S.Prakash Prabhu, S/o.S.Sekar  
3.S.Rathna, W/o.Sekar ... Petitioners

Versus

1. HDFC Bank Ltd.,  
Represented by its  
Manager - Aminjikarai Branch,  
"CEEBROS"  
110, Nelson Manickam Road,  
4<sup>th</sup> Floor, Aminjikarai,  
Chennai - 600 040.  
2. The Presiding Officer,  
Debts Recovery Tribunal-I,  
Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from implementing the order dated 29.04.2016 passed in Interim Application No.187/2015 in O.A.No.106 of 2015 on the file of the 2<sup>nd</sup> respondent until an appeal is preferred by the petitioners challenging the same before the Debts Recovery Appellate Tribunal, Allahabad, within a reasonable time frame.

For Petitioners : Mr.T.K.S.Gandhi

For Respondents : R1 - No Appearance  
R2 - Tribunal

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN.J)

The learned counsel for the petitioner would submit that the first respondent-Bank took out an interim application in I.A.No.187 of 2015 in O.A.No.106 of 2014 on the file of the Debts Recovery Tribunal-I, Chennai, praying for appointment of Advocate Commissioner, to seize four vehicles, for which, it provided the finance facilities and the said application came to be ordered on 29.04.2016, and the petitioners intend to challenge the said order. But, the difficulty is that, since no Presiding Officer for the Debts Recovery Appellate Tribunal-I, Chennai, has been posted, the petitioners have to move to the Debts Recovery Appellate Tribunal, Allahabad, which is incharge of the Tribunal matters at Chennai and therefore, prays for time to move before the said Tribunal and till then, prays for interim protection.

2. The petitioner has also stated the above facts in paragraph No.8 of the affidavit filed in support of this Writ Petition.

3. In the light of the facts and circumstances, the writ petition is disposed of with a direction that the petitioners are at liberty to file an appeal before the Debts Recovery Appellate Tribunal, Allahabad, challenging the legality of the order dated 29.04.2016 in I.A.No.187 of 2015 in O.A.No.106 of 2014 on the file of the Debts Recovery Tribunal-I, Chennai, on or before 22.06.2016 and till then, there shall be an order of stay of the operation of the above said order.

4. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

va/ds

To

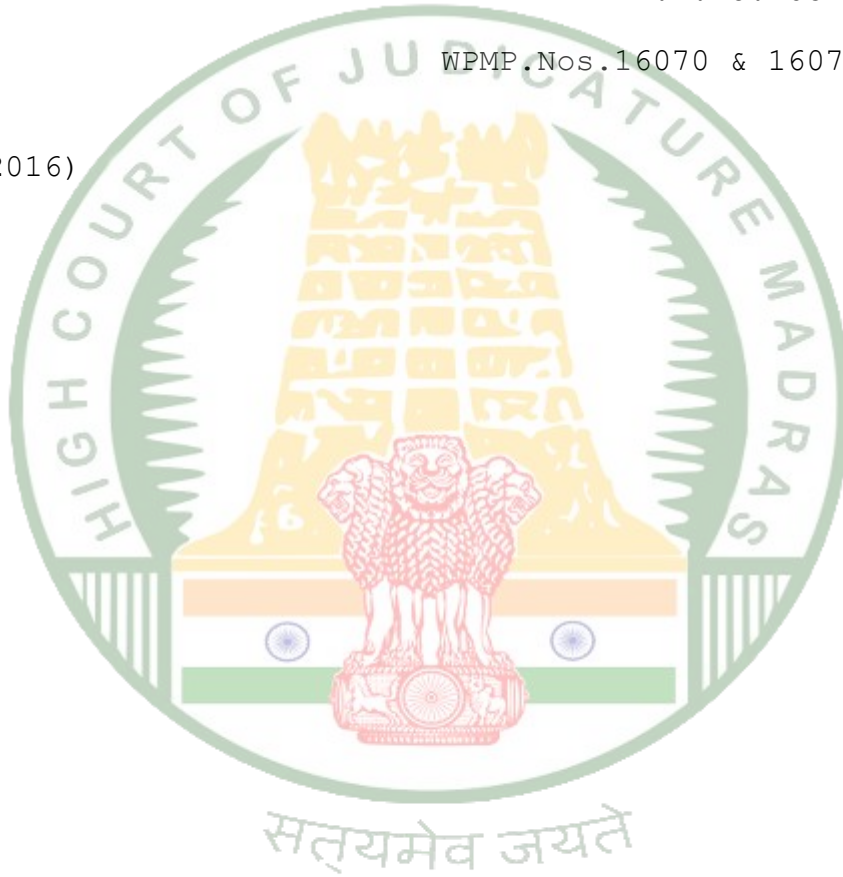
1.The Presiding Officer,  
Debts Recovery Tribunal-I,  
Chennai.

2.The Manager  
HDFC Bank Ltd.,  
Aminjikarai Branch,  
110, Nelson Manickam Road,  
4<sup>th</sup> Floor, Aminjikarai,  
Chennai - 600 040.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.28728

W.P.No.18372 of 2016  
and  
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JSV(CO)  
CA(06/06/2016)



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