

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

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

C.R.P. No.574 of 2016
and
C.M.P.No.2943 of 2016

1.Ashis Kumar Chakraborty
2.Ruma Chakraborty ... Petitioners / Appellants

Vs.

1.The Authorised Officer,
Deutsche Bank AG,
4-4A, Western Tower,
Sunny Side, Shafi Mohammed Road,
Nungambakkam, Chennai - 34.
2.The Chief Metropolitan Magistrate,
Allikulam, Chennai - 3. ... Respondents / Defendants

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order dated 15.02.2016 made in S.A.SR.No.445 of 2016 passed by the Debts Recovery Tribunal-I, Chennai and direct the Debts Recovery Tribunal-I, Chennai to number the case and decide it on merits in accordance with law.

For Petitioners .. Mr.V.R.Kamalanathan

ORDER

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

Notice to the first respondent is dispensed with at this stage, as no adverse order is passed against him in this Civil Revision Petition. Thus, with the consent of the learned counsel appearing for the petitioners, the Civil Revision Petition is taken up for final disposal, at the admission stage.

2.Assailing the order dated 15 February 2016 in S.A.SR.No.445 of 2016 passed by the Debts Recovery Tribunal-I, Chennai (for short "the Tribunal"), whereunder, the application of the petitioners was returned back as "returned as barred by limitation", the petitioners have come up with this Civil Revision Petition.

3.According to the learned counsel appearing for the petitioners, the application was filed within the period of limitation, as is evident from the averments made in the petition.

4.Be that as it may, if, on the calculation made by the Registry of the Tribunal, it is found that there is a delay, the petitioners can re-submit the application with an application for condonation of delay, explaining their calculation to the extent that the application is within the period of limitation. In that view of the matter, we are not inclined to interfere with the impugned order passed by the Tribunal.

5.With the aforesaid observations, the Civil Revision Petition stands disposed of, reserving liberty to the petitioners to submit a fresh application along with an application for condonation of delay before the Tribunal for decision on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1.The Authorised Officer,
Deutsche Bank AG,
4-4A, Western Tower,
Sunny Side, Shafi Mohammed Road,
Nungambakkam, Chennai - 34.

2.The Chief Metropolitan Magistrate,
Allikulam, Chennai - 3.

+ 1 cc to Mr.V.R.Kamalanathan, Advocate Sr 11873 (7/3/16)

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CNR (CO)
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