

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2016

CORAM:

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

C.R.P. (PD) No.81 of 2016 and C.M.P. No.398 of 2016

1 State Bank of India
represented by its Chief Manager
Veerappan Complex
No.24, Stanes Road
Tiruppur 641 014

2 The Authorised Officer
State Bank of India
SAM Branch
1112, Raja Plaza
Avinashi Road
Coimbatore 641 037

Petitioners

Vs.

1 Shri Sivaram Spinning Mill
represented by its Partner
K.R. Gurusami
No.647/IC, Kulathur Road
Venkitapuram, Coimbatore

2 K.R. Gurusami

3 G. Geetha

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India challenging the order dated 22.12.2015 passed in I.A. No.1833 of 2015 in S.A. No.97 of 2011 on the file of the Debts Recovery Tribunal at Coimbatore said to be on the basis of a detailed separate speaking order, which was not passed, as being devoid of merits, illegal and not tenable in law and facts.

For petitioners Mr. E. Omprakash
 for M/s. Ramalingam & Associates

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This Civil Revision Petition is filed, calling in question, the justifiability of the order dated 22 December 2015 passed by the Debts Recovery Tribunal, Coimbatore in S.A. No.97 of 2011.

2 The learned counsel for the petitioners/bank submits that the purported speaking orders mentioned in the impugned order were never pronounced and as such, the petitioners are not in a position to assail the impugned order before the Debts Recovery Appellate Tribunal.

3 Be that as it may. The impugned order is appealable under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4 In such view of the matter, we are not disposed to entertain this Civil Revision Petition. However, we make it clear that if the aforesaid grounds are raised in the appeal before the Debts Recovery Appellate Tribunal, the Debts Recovery Appellate Tribunal is obliged to examine the same and take appropriate decision and the same cannot be wished away on the ground that a copy of the speaking order is not available.

The Civil Revision Petition stands disposed of accordingly. Costs made easy. Connected C.M.P. is closed.

(SATISH K. AGNIHOTRI, J.) (M. DURAI SWAMY, J.)
12 January 2016

cad

Note:

The Registry is directed to return the original impugned order to the petitioners, after retaining a photocopy of the same for records.

SATISH K. AGNIHOTRI, J.

and

M. DURAISWAMY, J.

cad

To

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