

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.Nos.247 to 249 of 2016

State Bank of India
Represented by its Chief Manager
Varadha Reddy Street
Vedhachalam Nagar
Chingleput - 603 001

... Petitioner
in all the petitions/
Plaintiff

Vs.

1.Sri.N.Elangovan
2.Sri.V.Natarajan
3.Sri.V.Vijayarangam

... Respondents in
Tr.CM.P.No.247 of 2016/
Defendants

1.Sri.R.Sampath
2.Sri.L.Rajabather Naicker

... Respondents in
Tr.CM.P.No.248 of 2016/
Defendants

1.Sri.K.Pichainathan
2.Sri.A.Veeraraghavan
3.Sri.K.Ranganathan

... Respondents in
Tr.CM.P.No.249 of 2016/
Defendants

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the suit original suit O.S.Nos.161, 162 and 164 of 2013 pending on the file of the Principal District Judge, Chingleput and to transfer the same to the file of the Debts Recovery Tribunal No.III, Chennai.

For Petitioner : Mr.V.Subramanian

C O M M O N O R D E R

State Bank of India, who figures as plaintiff in O.S.Nos. 161, 162 and 164 of 2013 is the petitioner in all the Transfer Civil Miscellaneous Petitions. The said cases were filed against the borrowers and the guarantors in the respective suits for recovery of the amount due on loan transactions.

2. Admittedly the stake involved in each case is beyond ten lakhs of rupees and hence, Section 18 r/w. Section 34 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 provides a bar for institution of the said suits in the civil Court. Disregarding the above said bar provided under the said Section and the jurisdiction of the civil Court and conferring jurisdiction on the Debts Recovery Tribunal, the suits came to be filed. By a late realization of the mistake, the plaintiff in the said suits have chosen to come forward with the present Transfer Civil Miscellaneous Petitions seeking an order transferring the above said suits to the file of the Debts Recovery Tribunal.

3. The Debts Recovery Tribunal has been constituted under a special enactment, namely Recovery of Debts due to Banks and Financial Institutions Act, 1993, which provides for the hierarchy of fora, namely Debts Recovery Tribunal and Debts Recovery Appellate Tribunal, which are subject to the writ jurisdiction of the High Court under Article 226 of the Constitution of India and power of superintendence of the High Court under Article 227 of the Constitution of India. No regular appeal or revision to this Court will lie against any order or proceeding before the Debts Recovery Tribunal or the Debts Recovery Appellate Tribunal. The same cannot be construed to be Courts subordinate to the High Court attracting Section 24 of the Civil Procedure Code for exercising the power of transfer from one Court to the other Court. Hence, all the three Transfer Civil Miscellaneous Petitions are bound to be dismissed.

Accordingly, all the three Transfer Civil Miscellaneous Petitions are dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa

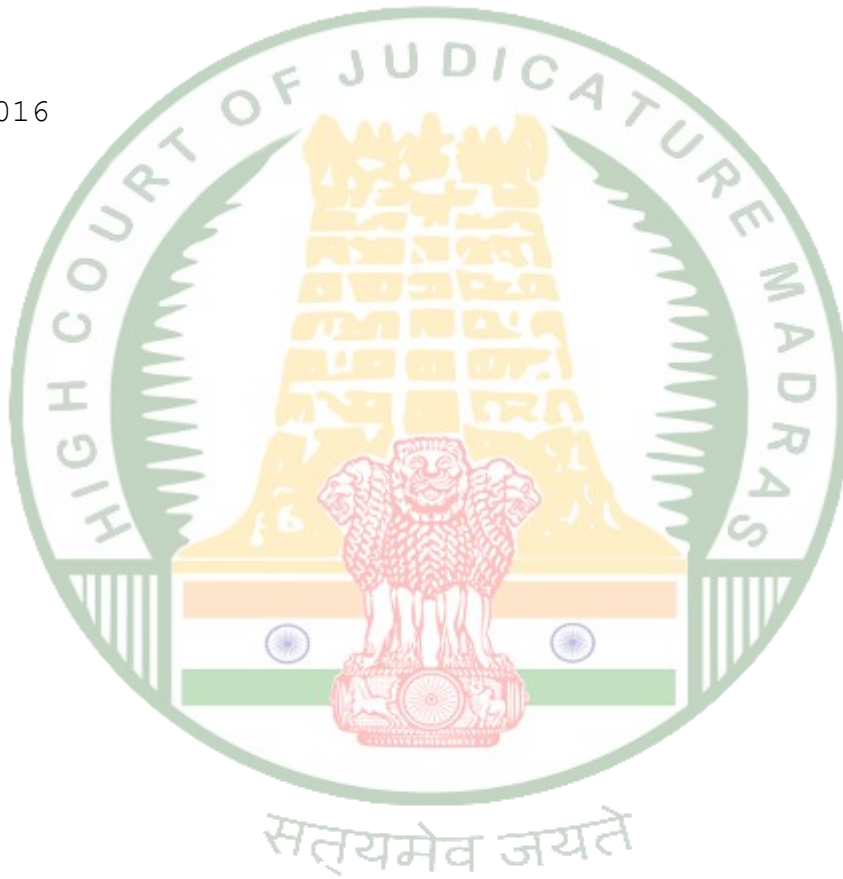
To

1. The Principal District Judge
Chingleput

+1 cc to Mr.V.Subramanian Advocate sr.26187

TR.C.M.P.Nos.247 to 249 of 2016

rsy(co)
aa11/05/2016



WEB COPY