



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.1428 of 2016

and

C.M.P (MD) No.6987 of 2016

S.S.Murugesan

... Petitioner

Vs.

The Branch Manager,
Bank of Baroda,
Namakkal Branch,
Paramathi Road,
Namakkal.

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Debt Recovery Tribunal, Madurai, to dispose of I.A.No.922 of 2015 in O.A.No.315 of 2011, filed by the petitioner to set aside the exparte decree final order passed against the revision petitioner.

For Petitioner : Mr.S.Rengasamy

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

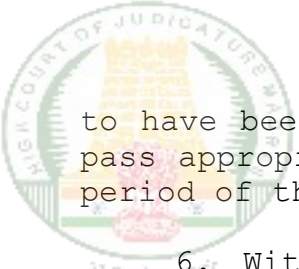
The present revision is filed seeking a direction to the Debt Recovery Tribunal, Madurai, to dispose of I.A.No.922 of 2015 in O.A.No.315 of 2011, which has been filed to set aside the exparte decree final order dated 24.03.2015, passed against the revision petitioner.

2. The case of the revision petitioner is that the respondent bank has filed O.A.No.315 of 2011 for recovery of debts due from the revision petitioner herein. But however, on the ground that the revision petitioner herein has not filed his statement in opposition, he was set exparte and the said Original Application itself has been decided exparte, finally on 24.03.2015.

3. It is now further pointed out that on 23.04.2015 itself, I.A.No.922 of 2015 is instituted in the said O.A.No.315 of 2011 for setting aside the exparte order.

4. The grievance of the petitioner in this revision is that I.A.No.922 of 2015 for setting aside the exparte decree, is kept pending for nearly past 14 months and in the meantime, the respondent bank is proceeding further by way of realising the debts due.

5. Instead of keeping this revision pending in this Court, we consider that the ends of justice would be met adequately by directing the Debt Recovery Tribunal, Madurai, to take up I.A.No.922 of 2015, said



to have been preferred on 23.04.2015 and consider the same on merits and pass appropriate orders as expeditiously as possible, preferably within a period of three months from today.

6. With the above direction, this Civil Revision Petition stands disposed of. However, it goes without saying that any sale which the respondent bank would conduct for realising the debts will abide by the result in I.A.No.922 of 2015 in O.A.No.315 of 2011 and the purchaser must be specifically put on notice of this fact by the respondent bank. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To

1 The Branch Manager,
Bank of Baroda,
Namakkal Branch,
Paramathi Road,
Namakkal.

2. Debt Recovery Tribunal,
Madurai.

+1CC to M/S.S.Rengasamy, Advocate, SR.No. 38101

C.R.P. (PD) (MD) No.1428 of 2016

and

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