

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.04.2017
CORAM:
THE HONOURABLE MR.JUSTICE HULUVADI G RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKA RAMAN

W.P.Nos.32008 & 34693 of 2014
and W.P.No.32723 of 2015
and
M.P.Nos.1,1 of 2014
and W.M.P.No.7111 of 2017 and M.P.No.1 of 2015

W.P.No.32008 of 2014

Indian Bank,
Pondicherry Main Branch
Rep. By its Asst. General Manager Petitioner

vs.

- 1.V.Sukumar
- 2.R.Krishnaraj
- 3.Chette Subbiah
Rep. By Power of Attorney V.Sukumar
- 4.Venkata Subbamma
Rep. By her power of Attorney V.Sukumar
- 5.Suraj Constructions,
No.34/45, Manthoppu Street,
Villupuram 605 602.
- 6.Srivari Mutual Benefit Finance Ltd.,
Registered Office at No.24/42, 4th Cross
Brindavanam, Pondicherry 605 013.
- 7.T.Natarajan
- 8.N.Kuberan Chettiar
- 9.G.Kalaialagi
- 10.G.Guhan
- 11.G.Subarna
- 12.Lakshmi Sambasivam
- 13.V.Sasikala
- 14.Om Sakthi Sekar
- 15.M.s,Srivari Housing and Constructions Ltd.,
Rep. By its Authorised Representative A.Veerappan

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16.The Debt Recovery Appellate Tribunal,
No.55, Ethiraj Salai,
Egmore, Chennai.

17.The Debt Recovery Tribunal-I,
Deva Towers, Anna Salai, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 16th respondent in the Order dated 11.11.2014 passed in R.A.No.59 of 2012, quash the same and to confirm the orders of the 17th respondent dated 12.01.2010 passed by DRT-I, Chennai in O.A.No.536 of 1998

For Petitioner: Mr.N.R.Chandran,
Senior Counsel for
Mr.T.Sundar Rajan

For Respondents: Mr.N.Suresh for R1 to R5
Mr.Srinath Sridevan for R7, R8 & R13
Mr.N.Anandvenkatesh for R 14
Mr.K.Chockalingam for R 15
No appearance for R6 & R9 to R12

W.P.No.34693 of 2014

1.V.Sukumar
2.R.Krishnaraj
3.Chette Subbaiah,
Rep. By Power of Attorney,
V.Sukumar.

4.Venkata Subamma,
Rep. By power of Attorney,
V.Sukumar.

5.M/s.Suraj Constructions,
No.34/45, Manthoppu Street,
Villupuram 605 602.

... Petitioners

vs.

1.Indian Bank,
Main Branch,
Pondicherry.

2.M/s.Srivari Mutual Benefit Finance Ltd.,
Registered Office at No.24/42, 4th Cross
Brindavanam, Pondicherry 605 013.

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3.T.Natarajan
4.N.Kuberan Chettiar
5.G.Kalaialagi
6.G.Guhan
7.G.Subarna
8.Lakshmi Sambasivam
9.V.Sasikala
10.Om Sakthi Sekar
11.M/s.Srivari Housing and Constructions Ltd.,
Rep. By its Authorised Representative A.Veerappan

12.The Registrar,
The Debt Recovery Appellate Tribunal,
Chennai.

13.The Registrar,
The Debts Recovery Tribunal-I,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 12th respondent in respect of R.A.No.59 of 2012 date of the order 11.11.2014 and quash the same in so far as directing fresh disposal of the O.A.No.536 of 1998 before the 13th respondent and thereby discharge these petitioners and their properties from the alleged liability arising in O.A.536 of 1998 on the file of the 13th respondent.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.N.R.Chandran,
Senior Counsel for
Mr.T.Sundar Rajan for R1
Mr.Srinath Sridevan for R3, R4 & R9
Mr.N.Anandvenkatesh for R 10
Mr.K.Chockalingam for R 11
No appearance for R5 to R7
Left-R-2
Deceased-R8

W.P.No.32723 of 2015

Indian Bank,
Pondicherry Main Branch
No.288, M.G.Road, Pondichery,
Rep. By its Asst. General Manager

... Petitioner

vs.

1.V.Sukumar

2.R.Krishnaraj

3.Chette Subbiah

Rep. By Power of Attorney V.Sukumar

4.Venkata Subbamma

Rep. By her power of Attorney V.Sukumar

5.M/s.Suraj Constructions,
No.34/45, Manthoppu Street,
Villupuram 605 602.

6.M/s.Srivari Mutual Benefit Finance Ltd.,
Registered Office at No.24/42, 4th Cross
Brindavanam, Pondicherry 605 013.

7.Om Sakthi Sekar

8.The Recovery Officer,
The Debt Recovery Tribunal, Deva Towers, Anna Salai, Chennai.

9.The Presiding Officer,
Debt Recovery Tribunal-I,
Deva Towers, Anna Salai, Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the Common Orders dated 22.12.2014 passed by the 9th respondent in Appeal Nos.2,3 and 5 of 2011 and to quash the same in respect of recalling the Debt Recovery Certificate.

For Petitioner : Mr.N.R.Chandran,
Senior Counsel for
Mr.T.Sundar Rajan

For Respondents : Mr.N.Suresh for R1 to R5
No appearance for R6
Mr.N.Anand Venkatesh-R7

COMMON ORDER

[Order of the Court was made by HULUVADI G RAMESH, J.]

Heard the learned counsel appearing for the Bank and the borrower of the auction purchasers, for some time.

2. It appears that R.A.No.59 of 2012 has been preferred before the Debts Recovery Appellate Tribunal (in short, 'DRAT') against the order of the Debts Recovery Tribunal passed in O.A.No.536 of 1998, dated 12.01.2010. There was an order of remand by the DRAT on the ground that certain documents have not

been considered.

3. On going through the materials and on hearing the arguments advanced by both sides, we are of the considered opinion that all the documents may be produced before the DRAT and the DRAT, on its own discretion, pass appropriate orders in accordance with law.

4. Though the parties can produce all the documents and other evidences by way of preliminary evidence to facilitate the DRAT, taking into consideration of the material aspects, the submissions made with regard to loss of some of the documents, the supplementary evidence as available may be produced before the DRAT and the DRAT can look into, having regard to the quantum of award.

5. We are of the considered view that the order of remand made by DRAT is bad in law and we direct the DRAT to exercise its power for re-appreciation of the evidence by securing the evidence and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of three months since the matter has been pending from the year 1998 onwards.

6. With the above directions and observations, these writ petitions are disposed of. No costs. Consequently, connected MPs are closed. However, insofar as the miscellaneous petition in W.M.P.No.7111 of 2017 is concerned, it has been filed by the auction purchaser, seeking for return of money with interest. In view of the disposal of the present Writ Petitions as directed above, remanding the matter to the DRAT for fresh disposal, the auction purchaser is also at liberty to approach the DRAT with similar prayer if so advised and the DRAT is directed to dispose of petition being filed by him, in accordance with law and on merits. Consequently, other connected miscellaneous petitions are closed.

सत्यमेव जयते

-s/d-

Assistant Registrar(CSII)

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Sub-Assistant Registrar

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To

1.The Debt Recovery Appellate Tribunal,
No.55, Ethiraj Salai,
Egmore, Chennai.

2.The Debt Recovery Tribunal-I,
Deva Towers, Anna Salai, Chennai.

+1 cc to Mr.Srinath Sridevan Advocate sr 25244

+1 cc to Mr.N.Suresh Advocate sr 24772

+3 ccs to Mr.T.Sundar Rajan Advocate sr 24881,24882 & 24883

W.P.Nos.32008 & 34693 of 2014
and W.P.No.32723 of 2015

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