

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14942 of 2016
and WMP No.13055 of 2016

S.Elred Kumar

... Petitioner

vs.

1. M/s.City Union Bank Ltd.,
Rep. by its Chief Manager,
No.706, Ashok Nagar,
Chennai.

2. M/s.Esvee Card
Proprietrix Firm,
Rep. by its Proprietrix G.SriDevi.

3. G.SriDevi

4. D.Purshothama Naidu

5. The Registrar,
The Debt Recovery Tribunal II,
Chennai

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

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the 6th respondent to dispose of the M.A.No.130 of 2015 within a stipulated time.

For Petitioner : Mr.A.Venkatesh Kumar.
For Respondents : Mr.R.Sivaram (for R1)
No appearance (for R2 to R4)
Tribunal R5 & R6

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Guarantor has filed the instant writ petition for a mandamus directing the Debts Recovery Appellate Tribunal, Chennai to dispose of M.A.No.130 of 2015 filed against I.A.No.62 of 2015 in O.A.No.33 of 2014, on the file of Debts Recovery Appellant

Tribunal, Chennai.

2. On the basis of the list of dates and events, Mr.R.Sivaram, learned counsel for the City Union Bank Limited, Chennai, the 1st respondent, submitted that he has no objection for the early disposal of M.A.No.130 of 2015. He also submitted that the next date of hearing of M.A.No.130 of 2015 is 07.08.2017.

3. Dates and events of hearing in M.A.No.130 of 2015, as furnished by the learned counsel for the 1st respondent bank, are as follows:

Sl.No	Date	Description
1	03.09.2015	Memorandum of appeal filed by the petitioner in M.A.No.130 of 2015 against I.A.No.62 of 2015 in O.A.No.33 of 2014 before the Debts Recovery Appellate Tribunal, Chennai.
2	Sep 2015	Proof affidavit failed by the first respondent bank in O.A.No.33 of 2014.
3	22.02.2016	Chance of filing counter proof affidavit by the petitioner was closed.
4	Feb 2016	I.A. in O.A.No.33 of 2014 filed by the Petitioner seeking permission of the Hon'ble DRT-II to reopen the chance of filing the counter proof affidavit.
5	April 2016	I.A. in O.A.No.33 of 2014 to reopen the chance of filing the counter proof affidavit is allowed
6	12.05.2016	Memo filed by the petitioner before the Hon'ble DRT-II, Chennai regarding the pendency of W.P.No.14942 of 2016 before this Hon'ble Court seeking early disposal of the appeal filed by the petitioner in M.A.No.130 of 2015 before the Hon'ble DRAT, Chennai.
7	04.10.2016	I.A.No.601 of 2016 in O.A.No.33 of 2014 filed by the petitioner herein before the DRT-II, Chennai praying for cross examination of the Chief Manager
8	Nov 2016	Counter in I.A.No.601 of 2016 in O.A.No.33 of 2014 filed by the first Respondent Bank herein
9	17.11.2016	M.A.No.130 of 2015 filed by the petitioner is being dismissed for default by the Hon'ble DRAT, Chennai.

Sl.No	Date	Description
10	05.12.2016	I.A.No.593 of 2016 in M.A.No.130 of 2015 filed by the petitioner to restore the appeal dismissed for default by the Hon'ble DRAT, Chennai.
11	17.03.2017	Counter filed by the first respondent in I.A.No.593 of 2016 in M.A.No.130 of 2015.
12	24.03.2017	I.A.No.593 of 2016 in M.A.No.130 of 2015 is allowed on condition that the pendency of the appeal shall not have a bearing in pursuing the O.A.No.33 of 2014 filed by the first respondent herein before the DRT-II, Chennai
13	06.04.2017	I.A.No.601 of 2016 in O.A.No.33 of 2014 is dismissed by the learned DRT-II, Chennai.
14	03.05.2017	I.A. in O.A.No.33 of 2014 filed by the petitioner herein before the learned DRT-II, Chennai to receive additional document.
15	12.06.2017	I.A.in O.A.No.33 of 2014 to receive additional document is allowed and given opportunity to file an addition counter proof affidavit by the Petitioner herein.

4. Submission of the learned counsel for the bank that there is no objection, for early disposal is placed on record.

5. In the light of the above, Debts Recovery Appellate Tribunal, Chennai is requested to dispose of M.A.No.130 of 2015 in I.A.No.62 of 2015 in O.A.No.33 of 2014 on the file of Debts Recovery Appellate Tribunal, Chennai, as expeditiously as possible, within one month from 07.08.2017.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

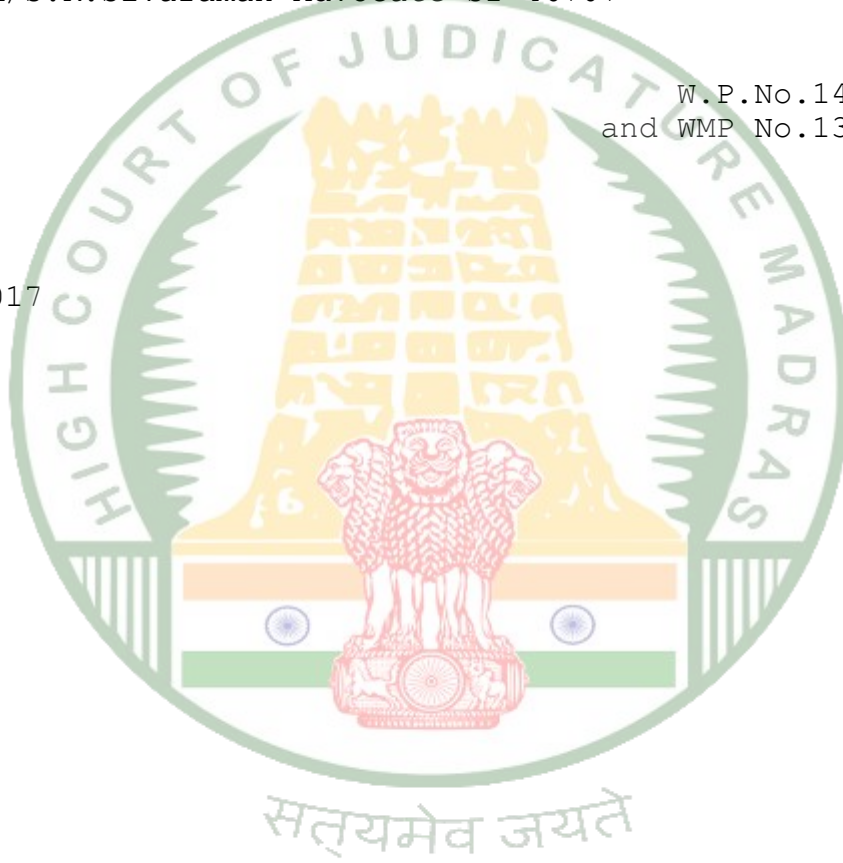
1. The Registrar,
The Debt Recovery Tribunal II,
Chennai

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

+1 cc to M/s.B.Ramesh Babu Advocate sr 46389
+1 cc to M/s.R.Sivaraman Advocate sr 46707

W.P.No.14942 of 2016
and WMP No.13055 of 2016

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