

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P.(PD) No.4637 of 2017

and

C.M.P.No.21866 of 2017

1. V.Lawrence

2. Immaculate Judith

.. Petitioners

versus

1. M/s.Religare Finvest Ltd.,
Branch Office,
Bascon IT Park, 12th Floor,
New Door No.10/2, Old No.56,
Venkata Narayana Road,
T.Nagar, Chennai - 600 017.

2. M/s.Swamy's Publicity Service Private Limited,
AKS Dhruva, Flat No.F1,
New No.12, Old No.17, Balaji Avenue,
1st Street, T.Nagar,
Chennai - 600 017.

.. Respondents

Civil Revision Petition filed under Article 227 of Constitution of India,
against the order dated 28.11.2017, passed by the Debts Recovery Tribunal-
III, Chennai, in I.A.No.1432 of 2017 in S.A.No.292 of 2017.

For Petitioner : Mrs.S.Rajeni Ramadass

ORDER

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

Proceedings dated 28.11.2017 in S.A.No.292 of 2017, impugned before us is extracted hereunder.

"Ld. counsel for the appellant is present. This SA is filed challenging the sale held on 15.11.2017 pursuant to the sale notice dated 24.10.2017 issue by the respondent financial institution for recovery of sum of Rs.9,28,65,465/- together with S.I.A. Nos.1431/17 and 1432/17 for urgent hearing and stay respectively.

Respondent financial institution is on caveat and copy of SA already served to the Ld. counsel for the caveator.

Heard the Ld. counsel for the appellant. Call on 13.12.2017 for appearance of Caveator/respondent and for filing counter and typed set of documents by the respondent."

2. Though, the abovesaid proceedings is impugned on the grounds inter alia that when sale had already taken place, the tribunal ought not to have adjourned the matter to 13.12.2017 for filing counter affidavit, more so, when the respondent-financial institution, did not appear and in the abovesaid circumstances, the tribunal ought to have granted stay of issuance of sale certificate, this Court is not inclined to accept the said contentions for the reason that even if the sale certificate is issued, the

<http://www.judis.nic.in> same would be subject to the outcome of S.A.No.292 of 2017 and that right

of the writ petitioner to seek for redemption of the property can always be urged before the tribunal.

3. Merely because, the tribunal has directed the matter to be called on 13.12.2017, for the appearance of the caveator, for filing counter and typed set of papers, the same does not call for interference, by this Court in exercise of powers under Article 227 of the Constitution of India.

4. Under the scheme of SARFAESI Act, 2002, Debts Recovery Tribunal-III Chennai, is empowered to pass suitable orders. There are no merits in the Civil Revision Petition, warranting interference. Hence, Civil Revision Petition is dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

[S.M.K., J.] [R.P.A., J.]

14.12.2017

Index: Yes/No.

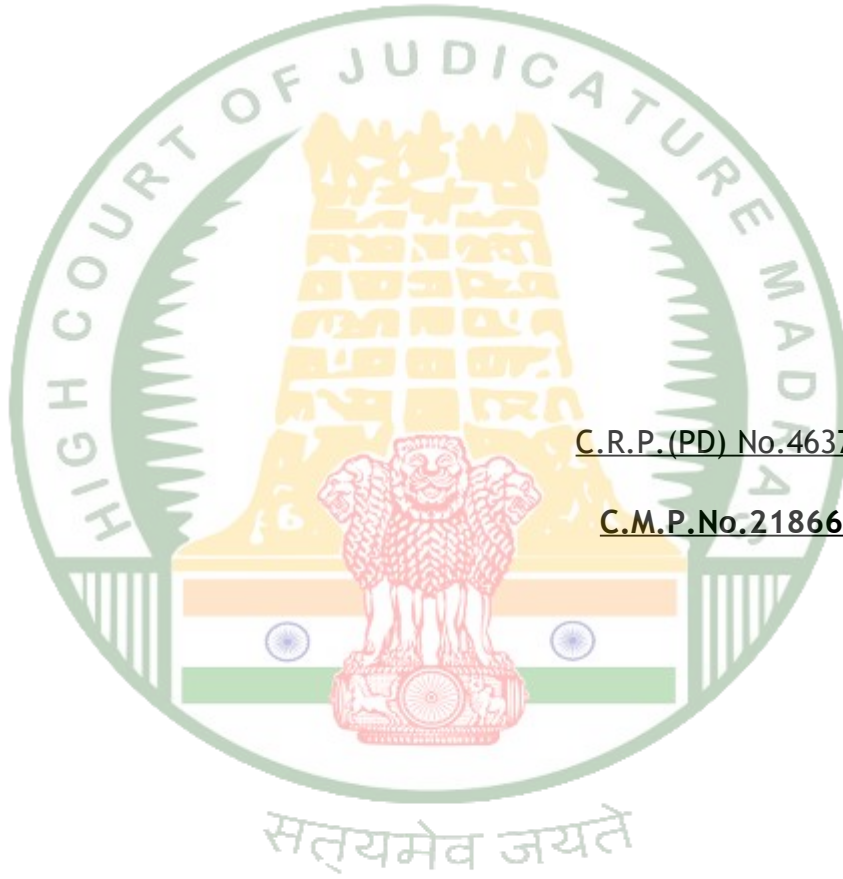
Internet:Yes.

Speaking/Non-speaking order

ars

S. MANIKUMAR, J.
AND
R.PONGIAPPAN, J.

ars



C.R.P. (PD) No.4637 of 2017
and
C.M.P.No.21866 of 2017

WEB COPY

14.12.2017