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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.10641 of 2017
and
W.M.P. (MD) No.8127 of 2017

M.Kathiresan .. Petitioner
Vs.

1.HDFC Bank Limited,
Rep. By its Manager,
Branch office at No.110, Ceebros Building,
4th floor, Nelson Manikkam Road,
Aminijikarai, Chennai 600 029.

2.The Manager,
Customer care auto loan Division,
HDFC Bank, No.34, Srinithiyakalyani towers,
Krishnarayar tank Street, 2nd floor,
Madurai-1.

3.The Presiding Officer,
Debt Recovery Tribunal-1,
Chennai. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to direct the first respondent to file the petition in the appropriate jurisdiction against the petitioner.

For petitioner : Mr.R.Ramasamy
For R1 and R2 : Mr.D.Sathyaraj
For 3rd Respondent : Court

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ petition to direct the first respondent to file the Original Application at Madurai, on account of jurisdiction.



2.It is the case of the petitioner that the loan was taken from the second respondent for purchase of a car. The second respondent initiated recovery proceedings before the Debts Recovery Tribunal at Chennai.

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3.According to the petitioner, the Debts Recovery Tribunal at Chennai has absolutely no jurisdiction to entertain the matter and as such a direction should be given to call upon the second respondent to file the original application before the Tribunal at Madurai.

4.The documents available on record indicates that the Tribunal has already taken cognizance of the original application filed by the second respondent. It is for the petitioner to file appropriate application before the Debts Recovery Tribunal at Chennai to decide the question of jurisdiction. In case, any such application is filed, the same shall be decided by the Debts Recovery Tribunal at Chennai, at the first instance before taking up the matter on merits.

5.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Presiding Officer,
Debt Recovery Tribunal-1,
Chennai.

+1 cc to Mr.R.Ramasamy, Advocate, SR.No.65983
+One cc to Mr.D.Sathyaraj, Advocate, SR.No.65776

rj2/vsg
RL/4C/2P/SKN/RSK/SAR3/20/7/2017