

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/4/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.6773 of 2018

N.C.Pattyingam ... Petitioner

Vs

1. The Recovery Officer
Debt Recovery Tribunal
2nd and 3rd Floor
Jawans Bhawan
Coimbatore 641 018.

2. The Authorised Officer
State Bank of India
Ganapathy Branch
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of declaration to declare the first respondent's recovery proceedings (RP) No.92/2016 in DRC No.92/2016 in O.A.No.273 of 2014, dated 12/2/2018 as null and void.

For petitioner ... Mr.P.Saravanan

For respondents ... Tribunal - R.1
Mr.N.Elumalai
for Mr.J.Pothiraj
for R.2.

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O R D E R

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

On 22/3/2018, we passed the following order:-

"Admit. Issue Rule Nisi. Call for records.

Mr.J.Pothiraj, learned counsel takes notice for the second respondent Bank."

2. Subsequently, on 16/4/2018, another order has been passed.

"On 5/4/2018, we directed the Registry to place the matter before the Tamil Nadu Mediation and Conciliation Centre, on 11/4/2018. We further directed the Registry to list the matter before this Court, on 16/4/2018 and thus, it is listed today.

2. Mr.P.Saravanan, learned counsel for the petitioner submitted that mediation did not take place, as there was no representation on behalf of the respondent.

3. Learned counsel for the bank submitted that since concerned officer was involved in audit, he could not represent on 11/4/2018. He requested the matter be posted on 26/4/2018.

4. Registry is directed to list the matter on 23/4/2018 before the Mediation and Conciliation Centre, High Court, Madras and learned counsel for the parties are directed to make necessary arrangements for the presence of the concerned on the said date.

5. Post the matter, before this Court, on 26/4/2018.

6. Interim order already granted is extended till 28/4/2018."

3. Pursuant to Mediation, parties have entered into a memo of compromise, dated 23/4/2018, duly signed by the respective learned counsel. Memo of compromise, reads thus:-

"The petitioner and second respondent have appeared before the mediation center on 23/4/2018. After mediation, the matter had been settled with the following terms and condition.

1. Petitioner and second respondent have mutually agreed to settle the matter. The petitioner has agreed to pay a sum of Rs.18,00,000/- (Rupees Eighteen lakhs only) as full and final settlement towards DRC No.92/2016 in O.A.No.273 of 2014, on the file of DRT, Coimbatore. Out of which a sum of Rs.5,00,000/- (Rupees Five lakhs only) has deposited before the first respondent DRT Coimbatore, as per the Hon'ble Court order balance amount of Rs.13,00,000/- (Rupees Thirteen lakhs only) shall be paid by the petitioner on or before 23/10/2018.

2. The second respondent has agreed to drop

the proceedings against the petitioner's loan and property. The petitioner has failed to repay the balance amount of Rs.13,00,000/- before 23/10/2018, it is open to second respondent bank to initiate further proceedings as per the DRC No.92 of 2016 in O.A.No.273 of 2014, on the file of DRT, Coimbatore."

4. On this day, when the matter came up for hearing, learned counsel for the parties submitted that the dispute is settled, as above. Auction did not take place on 23/3/2018. Memo of compromise, dated 23/4/2018, shall form part of the record.

5. Writ petition is disposed of, in terms of the memo of compromise. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Recovery Officer
Debt Recovery Tribunal
2nd and 3rd Floor
Jawans Bhawan
Coimbatore 641 018.

2. The Authorised Officer
State Bank of India
Ganapathy Branch
Coimbatore.

+1cc to Mr.P.SARAVANAN, Advocate, S.R.No.32057
+1cc to Mr.N.ELUMALAI, Advocate, S.R.No. 31184

W.P.No.6773 of 2018

SSI (CO)
TR(18/05/2018)