

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.19132 of 2014 and
M.P.No.1 of 2014

Madras Power Corporation Education Trust
Rep. by its Trustee J. Stanlislas
No.14 I Street, Kalaimagal Nagar
Ekkattuthangal
Chennai - 600 097 ... Petitioner

v.

1 Mr. M.Soundarapandian
2 Punjab National Bank
Kilpauk Branch Kilpauk
Chennai.
3 Mr. Adikesavan
Mr.Rajagopopai (Deceased)
4 Mr. P.Raghu
5 Mr. R.Neelakantan
6 Mr. P.Sundaramurthy
7 Mr. P.Bhaskaran
8 Mrs. Dhanalakshmi
9 Mrs. Maindhi ... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the records pertaining to the order dated 10.12.2013 in Appeal M.A. No.324 of 2011 on the file of Debt Recovery Appellate Tribunal, Chennai and quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.Senthamil Arasu
for Mrs. Ananda Gomathi - for R1

No appearance - for R2

R3 to R9 - Dismissed vide order
dated 01.12.2016.

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The Petitioner-Trust has filed the above Writ Petition to issue a Writ of Certiorari to call for the records pertaining to the order dated 10.12.2013 in Appeal M.A. No.324 of 2011 on the file of the Debt Recovery Appellate Tribunal, Chennai and to quash the same.

2. The 1st respondent-auction purchaser has filed an application to get himself impleaded in A.P.No.9 of 2009 on the file of the Debts Recovery Tribunal-I, Chennai. The Debts Recovery Tribunal-I, Chennai, dismissed the application. Against which, the 1st respondent filed an appeal in M.A.No.324 of 2001 before the Debt Recovery Appellate Tribunal, Chennai and the Appellate Tribunal, by order dated 10.12.2013, set aside the order passed by the Debts Recovery Tribunal-I, Chennai and allowed the appeal. Challenging this order, the petitioner-trust has filed the above Writ Petition.

3. Since the 1st respondent-auction purchaser is the proper and necessary party, the Debts Recovery Tribunal should have allowed the application of the petitioner-trust and impleaded him as a respondent in the appeal. However, the Debts Recovery Tribunal had erroneously dismissed the application, which was rightly set aside by the Appellate Tribunal.

4. Mr.S.Sethuraman, learned counsel appearing for the petitioner-trust, fairly submitted that he has no objection for impleading the 1st respondent in the Writ Petition as a respondent in the Appeal No.9 of 2009, pending before the Debts Recovery Tribunal-I, Chennai.

5. In view of the submissions made by the learned counsel appearing for the petitioner-trust, we are not interfering with the order passed by the Debt Recovery Appellate Tribunal. The learned counsel appearing for the petitioner submitted that the Debts Recovery Tribunal-I, Chennai, may be directed to dispose of the appeal within a time frame. In view of the submission made by the learned counsel appearing for the petitioner-trust, the Writ Petition is dismissed. However, we direct the Debts Recovery Tribunal-I, Chennai, to dispose of the appeal in A.P.No.9 of 2009 on merits and

in accordance with law, after affording due opportunity of hearing to all the parties, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Debt Recovery Appellate Tribunal
Chennai
2. The Debts Recovery Tribunal-I,
Chennai
3. Punjab National Bank
Kilpauk Branch Kilpauk
Chennai.

+1cc to Mr.S.Sethuraman , Advocate SR.No. 51917

+1cc to Mrs. Ananda Gomathi , Advocate SR.No. 82026

W.P. No.19132 of 2014 and
M.P.No.1 of 2014

ASK(18/12/2018)

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