



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

C.R.P. (MD) No.67 of 2018

and

C.M.P. (MD) No.295 of 2018

1. M/s.Nandhi Dall Mills
represented by its Partners
270, Narasimman Road,
Shevapet, Salem - 636 002.

2. S.A.Kumar
3. K.Jeyanthi
4. S.K.Arun

... Petitioners

-vs-

ICICI Bank Ltd.,
rep. by its authorized signatory,
3rd Floor, ICICI Bank,
No.1, Centapsh Road,
Teynampet, Chennai - 600 018.

... Respondent

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the order dated 18.12.2017 passed in SR.No.7352 of 2016 in O.A.No.925 of 2015 on the file of the Debts Recovery Tribunal, Madurai.

For Petitioners : Mr.V.Meenakshi Sundaram

For Respondent : Mr.A.Anbalakan

O R D E R

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

Heard Mr.V.Meenakshi Sundaram, learned counsel for the
petitioners and Mr.A.Anbalakan, learned counsel appearing for the
respondent bank.



2.This revision under Article 227 of Constitution of India is directed against the order passed by the Debt Recovery Tribunal, Madurai in S.R.No.7352 of 2016 in O.A.No.925 of 2015.

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3.The learned counsel for the petitioner made submissions on the merits of the matter and sought to interpret the provisions of Section 19(8) of the Recovery of Debt Due to Bank and Financial Institutions Act, 1993 and submitted that the counter claim filed by the petitioner ought not to have been thrown out in limini. It should have been entertained and the principles laid down under the Code of Civil Procedure was required to be followed.

4.The learned counsel for the respondent bank on the other hand contended that the Tribunal rightly rejected the application as it is time barred in terms of Section 19(8) of RDDBFI Act.

5.In our considered opinion, it may not be necessary for this Court to go into this aspect as the present revision petition has been filed challenging an order passed by the Debt Recovery Tribunal. It is of no consequence as to whether the order was passed even before numbering the application or later. Any order passed by the Tribunal is appealable to the Debt Recovery Appellate Tribunal, which remedy is not only efficacious, but also an effective remedy. The proceedings initiated by the respondent bank against the petitioner being under a special Statute viz., RDDB Act, 1993, the petitioner has to necessarily invoke the remedies available under the Act and cannot bypass the said remedy. For such reason, this Court is not inclined to exercise its jurisdiction under Article 227 of Constitution of India.

6.For the above reasons, the civil revision petition stand dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

7.The Registry is directed to return the original of the impugned order to the petitioners to pursue their remedy before the Debt Recovery Appellate Tribunal. In the event of the petitioners preferring appeal before the Debt Recovery Appellate Tribunal, the period between the date of filing of the petition viz., 10.01.2018 till the date of receipt of copy of this order to be excluded for computing limitation.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



1. Debt Recovery Tribunal
Madurai.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 53083

ARUL

TE/SV-MMS/SAR-4 : 10/04/2018 : 3P/5C

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