



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
C.R.P(PD) (MD)No.1129 of 2018

and
C.M.P(MD)No.4836 of 2018

1. M/s.K.S.M.Educational Trust,
Managing Trustee Represented by
M.Subramaniam,
No.10, Ammamandapam Road,
Mambhazhasalai,
Tiruchirappalli - 620 018.
2. Mr.M.Subramaniam,
Managing Trustee: K.S.M.Educational Trust,
Plot No.5, Maruthisalai,
II Cross Road,
Annammalai Nagar(East),
Trichy - 620 018.
3. Mrs.S.Nirmala,
Managing Trustee: K.S.M.Educational Trust,
Plot No.5, Maruthisalai,
II Cross Road,
Annammalai Nagar(East),
Trichy - 620 018. ... Petitioners/Petitioners/Applicants

Vs.

Authorized Officer,
Bank of Baroda,
Rep. by its Chief Manager,
Manachanallur Branch,
No.5, Edumalai Road,
Trichy - 621 005.

...Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 22.03.2018 passed in I.A.No.713 of 2018 in S.A.No.7 of 2015 on the file of the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.G.Mohankumar

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

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The petitioners have filed the above civil revision petition under Article 227 of the Constitution of India challenging the order



passed in I.A.No.713 of 2018 in S.A.No.7 of 2015 on the file of the Debts Recovery Tribunal at Madurai.

2. The petitioners have filed an application in I.A.No.713 of 2018 under Section 19(25) of the RDDBFI Act, seeking for stay of all further proceedings pursuant to the e-auction-cum-sale notice dated 15.02.2018. The application filed by the petitioners was contested by the respondent. After taking into consideration the case of both parties, the Debts Recovery Tribunal, dismissed the application finding that the petitioners are not entitled to get the relief. Aggrieved over the same, the petitioners have filed this Civil Revision Petition.

3. In the judgment reported in **(2018) 1 SCC 626 (Agarwal Tracom Private Limited v. Punjab National Bank and Others)** and **2018 3 SCC 85 (Authorized Officer, State Bank of Travancore and another v. Mathew K.C)**, the Honourable Supreme Court, held that the aggrieved party should only exhaust the appeal remedy provided under the SARFAESI Act, before coming to the High Court.

4. In the case on hand, though the petitioners have got appeal remedy under Section 18 of the SARFAESI Act, the petitioners have filed this civil revision petition without exhausting the appeal remedy. The ratio laid down by the Honourable Apex Court in the judgments cited above, squarely apply to the facts and circumstances of the case.

5. Following the judgments of the Honourable Apex Court, we are not inclined to entertain this civil revision petition, which deserves to be dismissed. Accordingly, this civil revision petition is dismissed and however, it is open to the petitioners to challenge the impugned order dated 22.03.2018, on merits and in accordance with law before the Debts Recovery Appellate Tribunal. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To
The Presiding Officer,
The Debts Recovery Tribunal,
Madurai.

+1cc to Mr.G.Mohankumar, Advocate in SR. No.68784

pm

MK/SKN RSK/SAR 3/02.07.2018/2P/3C

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