



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
C.R.P (PD) (MD) No.1527 of 2017

and

C.M.P (MD) No.8372 of 2017

and

C.M.P (MD) No.798 of 2018

Mr.V.Kalirajan

... Petitioner/Petitioner/Applicant

Vs.

1. The Authorized Officer,
Central Bank of India,
Regional Office,
Raja Muthiah Mandram,
First Floor, Dr.Ambedkar Road,
Madurai - 20.

2. The Branch Manager,
Central Bank of India,
Kovilpatti Branch,
10, R.C.Church Building,
Main Road, Kovilpatti - 628501.

3. S.Haribalagan,
Regent Garment House,
5, Banglow 5th Street,
Kovilpatti -

... Respondents/Respondent/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 09.08.2017 in I.A.No.86 of 2017 in S.A.No.15 of 2017 on the file of the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.V.Meenakshisundaram

For R-1 & R-2 : Mr.B.Rajesh Saravanan

R- 3 : No appearance

ORDER

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

Challenging the order passed in I.A.No.86 of 2017 in S.A.No.15 of 2017 on the file of the Debts Recovery Tribunal at Madurai, the borrower has filed the above Civil Revision Petition under Article 227 of the Constitution of India.



2. The petitioner/borrower has questioned the findings given by the Tribunal in Paragraph No.11 of the impugned order. According to the petitioner, the first respondent has not given thirty days clear notice to the borrower, prior to the sale of the property, therefore, the auction sale held on 30.09.2016 is liable to be set aside. The subject matter of the appeal in S.A.No.15 of 2017 pending before the Tribunal is the sale that took place on 30.09.2016. In the said second appeal, the borrower filed a stay petition in I.A.No.86 of 2017 and it was dismissed by the Tribunal. While dismissing the said petition, the Tribunal has given a finding with regard to the issuance of notice under Rule 9(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement Security Interest (SARFAESI) Rules, 2002.

3. Mr.V.Meenakshisundaram, learned counsel appearing for the petitioner and Mr.B.Rajesh Saravanan, learned counsel appearing for the respondents 1 and 2, submitted that instead of going into the correctness of the order passed in I.A.No.86 of 2017, it would be suffice to direct the Debts Recovery Tribunal at Madurai, to dispose of the appeal in S.A.No.15 of 2017 within a time frame and also submitted that till the disposal of the appeal, an order of stay can be granted.

4. In view of the submissions made by the learned counsel appearing on either side, by consent, without going into the merits of the order passed in I.A.No.86 of 2017 in S.A.No.15 of 2017, we direct the Debts Recovery Tribunal at Madurai, to dispose of the appeal in S.A.No.15 of 2017, on or before 30th June, 2018 and there shall be an order of interim stay till the disposal of the appeal in S.A.No.15 of 2017.

5. It is made clear that the Tribunal shall decide the appeal in S.A.No.15 of 2017, on merits and in accordance with law, without being influenced by any of the observations made in the order passed in I.A.No.86 of 2017.

6. With these observations, the Civil Revision Petition is disposed of. No Costs. Consequently, connected Civil Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Debt Recovery Tribunal,
Madurai.



Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Rajesh Saravanan, Advocate Sr.No.63531

pm

VB/JC/SAR2/17/05/2018/3P/5C

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