



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(NPD) (MD).No.1282 of 2016

1. Ramachandran
2. Gandhi
3. Somasundaram
4. Prem Rajakumar ... Revision petitioners/Plaintiffs

Vs.

1. State Bank of Trivancore,
Rep. by its Branch Manager,
P.B.No.1, Anna Salai,
Kalakkadu Main Road,
Nanguneri Taluk,
Tirunelveli District.
2. State Bank of Trivancore,
Rep. by its Officer,
P.B.No.1, Anna Salai,
Kalakkadu Main Road,
Nanaguneri Taluk,
Tirunelveli District. ... Respondents/Defendants

PRAYER : Civil Revision Petition is filed under 227 of the Constitution of India, to set aside the docket order dated 17.03.2016 made in unnumbered O.S.No. of 2016 on the file of the District Munsif Court, Nanguneri.

For Petitioners : Mr.S.Siva Thilakar
For Respondents : No appearance.

O R D E R

The Revision petitioners borrowed money from the respondent Bank. They had deposited their title deeds. They committed default. The Bank took action under SARFAESI Act for recovering the amount in question. Thereafter, the present plaint was filed by the Revision petitioners. The Court below declined to number the same on the ground that it is hit by Section 34 of the SARFAESI Act. Questioning the same, this Civil Revision petition has been filed.

2. The learned counsel appearing for the Revision petitioners



reiterated the contentions set out in the memorandum. He also contended that the documents in question were not registered and that therefore, all the actions taken by the respondents based on an unregistered document is null and void.

3. This Court is unable to agree with the submissions of the learned counsel appearing for the Revision petitioners. The fact remains that the Revision petitioners borrowed money from the Bank on the strength of the mortgage in question. Therefore, the Bank had taken action only under the SARFAESI Act. If the Revision petitioners are aggrieved by the initiation of the proceedings, the remedy is to go before the Debts Recovery Tribunal. Questioning the action taken under the SARFAESI Act by way of a suit cannot be countenanced. Therefore, the Court below rightly declined to number the plaint.

4. There is no merit in this Civil Revision petition. The Civil Revision petition stands dismissed, accordingly. No costs.

Sd/-
Assistant Registrar(A&E)

/True Copy/

Sub Assistant Registrar(CS-I)

pmu

To

1. The District Munsif,
Nanguneri.

Copy to

The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.Siva Thilakar, Advocate in SR No.86729

C.R.P. (NPD) (MD) .No.1282 of 2016

NM/PM/SAR I/01.11.18/2P/5C.