



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM

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THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.1471 of 2018 and
CMP(MD).No.6384 of 2018

Minor. R.. Hariharan
rep. by next friend and
sister Guardian
Selvi. Priyanka

... Petitioner

Vs.

1. C. Rajendra Kumar

2. M/s. Maruthi Agro Foods,
rep. by its Managing Partner,
M. Rajalakshmi

3.The Central Bank of India,
rep. by its Branch Manager,
Aiswarya Towers,
No.100, Gandhi Road, Srirangam,
Tiruchirappalli.

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the return order dated 18.05.2018 made in V.C.O.S.SR.No.5669 of 2018 on the file of the learned Vacation Judge, Thiruchirapalli - Subordinate Judge, Lalgudi.

For Petitioner
For Respondents

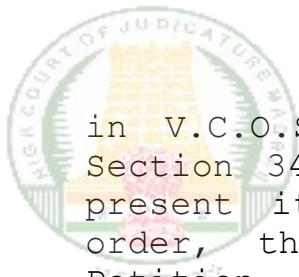
... Mr.R.Sriram
... Mr. Aaiyaram K. Selvakumar
Additional Government Pleader

ORDER

The petitioner has filed the present Civil Revision Petition against the return order, dated 18.05.2018 made in V.C.O.S.SR.No.5669 of 2018, on the file of the learned Vacation Judge, Thiruchirapalli - Subordinate Judge, Lalgudi.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned Vacation Judge, Thiruchirapalli - Subordinate Judge, Lalgudi has passed an order, dated 18.05.2018



in V.C.O.S.SR.No.5669 of 2018, that the suit is barred under Section 34 of the SARFAESI ACT, by directing the petitioner to present it before the Court concerned. Challenging the said order, the petitioner has filed the present Civil Revision Petition.

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3. The learned counsel appearing for the petitioner submitted that the learned Judge has passed an order by giving a detailed order, which cannot be sustained, because, the learned Judge ought to have simply directed the petitioner as per Section 34 of the SARFAESI ACT, to approach the appropriate Tribunal, which deals with the cases filed under the SARFAESI ACT.

4. Heard Mr. R. Sriram, learned counsel appearing for the petitioner and Mr. Aayiram K. Selvakumar, learned Additional Government Pleader appearing for the respondents.

5. Considering the submissions made by the learned counsel appearing on either side and also considering the facts and circumstances of the case, I am inclined to dispose of the Civil Revision Petition.

6. In the result,

(i) This Civil Revision Petition is disposed of and the return order, dated 18.05.2018 made in V.C.O.S.SR.No.5669 of 2018, on the file of the learned Vacation Judge, Thiruchirapalli - Subordinate Judge, Lalgudi is set aside.

(ii) The petitioner is given liberty to present the suit before the appropriate Tribunal within a period of 10 days from the date of receipt of a copy of this order.

(ii) On production of such papers, the Tribunal is directed to number it, if it is in order and pass appropriate orders within a period of 10 days, thereafter.

(iii) No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(Crl Side)

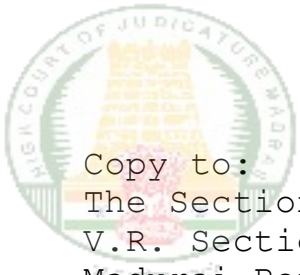
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Sub Assistant Registrar

To

The Vacation Judge,

<https://hccs.courts.gov.in/services/> - Subordinate Judge,
Lalgudi.



Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. **(2 COPIES)**

(To Return the Original Papers after substitutiong the Xerox Copy
of the Same)

+1cc to Mr.R.Sriram, Advocate, SR.No. 73372

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