



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

C.R.P (PD) (MD) No.1492 of 2018

and

C.M.P (MD) No.6492 of 2018

1.S.Kannan

2.K.Jeyalakshmi

.. Petitioners/Petitioners/Applicants

-vs-

1. The Authorised Officer,
State Bank of India,
Sivakasi SME Branch,
#11, Sundar Complex,
Velayutham Road,
Sivakasi,
Virudhunagar District - 626 123.

2. State Bank of India,
(Erstwhile State Bank of Travancore),
Rep. by its Branch Manager,
Sivakasi Branch,
Pandiyan Complex, 35A, Gandhi Road,
Sivakasi,
Virudhunagar District - 626 123.

3. M/s.Gokul Match Works,
Rep. by its Proprietor,
R.Suresh Pandian.

4. M/s.Thendral Match Industries,
Rep. by its Partner,
G.S.Rajasekaran

.. Respondents/Respondents/Respondents

PRAYER:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 27.06.2018 made in I.A.No.1596 of 2018 in S.A.No.327 of 2018 on the file of the Debts Recovery Tribunal, Madurai as unsustainable, irrational, against law, facts and equity and allow I.A.NO.1596 of 2018 in S.A.No.327 of 2018 on the file of DRT, Madurai, as prayed for.

For Petitioners

: Mr.S.Ramesh

for M/s.Vast Law Associates

**ORDER**

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

The petitioners, who had purchased the property mortgaged with the respondent-Bank from the borrowers, have filed the above Civil Revision Petition challenging the order passed by the Debts Recovery Tribunal, Madurai in I.A.No.1596 of 2018 in S.A.No.327 of 2018.

2.The petitioners filed the SARFAESI Appeal in S.A.No.327 of 2018 before the Debts Recovery Appellate Tribunal, Madurai, challenging the SARFAESI proceedings initiated by the Bank. In the said S.A.No.327 of 2018, the petitioners filed an application in I.A.No.1596 of 2018 to stay all further proceedings pursuant to the sale notice, dated 25.05.2018 issued by the first respondent-Bank.

3.The Debts Recovery Tribunal passed a conditional order directing the petitioners to pay a sum of Rs.48,62,000/- (Rupees Forty Eight Lakhs and Sixty Two Thousand only) in two installments of Rs.24,31,000/- (Rupees Twenty Four Lakhs and Thirty One Thousand Only) each. Challenging this order, the petitioners have filed the above Civil Revision Petition.

4.Since the petitioners have got remedy by way of an appeal before the Debts Recovery Appellate Tribunal under Section 18 of the SARFAESI Act, the learned counsel appearing for the petitioners submitted that instead of going into the merits of the matter, it would be suffice to direct the Debts Recovery Tribunal, Madurai to dispose of the SARFAESI Appeal in S.A.No.327 of 2018 within a time frame.

5.In view of the submissions made by the learned counsel appearing for the petitioners, without going into the merits of the matter and expressing any opinion with regard to the same, we direct the Debts Recovery Tribunal, Madurai to dispose of the SARFAESI Appeal in S.A.No.327 of 2018 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6.With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

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

Sub Assistant Registrar(CS-IV)



To

1. The Presidings Officer,
Debts Recovery Tribunal,
Madurai.

2. The Authorised Officer,
State Bank of India,
Sivakasi SME Branch,
#11, Sundar Complex,
Velayutham Road,
Sivakasi,
Virudhunagar District - 626 123.

3. The Branch Manager,
State Bank of India,
(Erstwhile State Bank of Travancore),
Sivakasi Branch,
Pandiyan Complex, 35A, Gandhi Road,
Sivakasi,
Virudhunagar District - 626 123.

Copy to

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

+1cc to Mr.M/s.Vast Law Associates, Advocate Sr.No.74265

PS

VB/SKN/RSK/SAR4/31.07.2018/3P/7C

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