

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAISWAMY

C.R.P. (PD) Nos.1713 to 1718 of 2005

C.R.P. (PD) No.1713 of 2005:

1.M.Gunasekaran
2.Parthasarathy

.. Petitioners

-VS-

1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

2.M/s.Jaimatha Farm Dealers P. Ltd.,
475/30 HIG Flats,
Nandanam,
Chennai - 600 035.

3.K.Srinivasan
4.C.S.Usha Devi

5.M/s.Arun Builders P. Ltd.,
475/30 HIG Flats,
Nandanam,
Chennai - 600 035.

6.M/s.Fashion Builders (P) Ltd.,
475/30 HIG Flats,
Nandanam,
Chennai - 600 035.

7.M/s.Income Builders (P) Ltd.,
268-269, Anna Salai,
Teynampet, Chennai - 600 018.

8.K.Bhaskaran
9.V.Rajkumar
10.Sethuraman
11.M.Navaneethammal (since deceased)
12.Geetha

13.M/s.Sathyam Foods P. Ltd.,
475/30 HIG Flats,
Nandanam,
Chennai - 600 035.

14.M/s.Enkay Foods P. Ltd.,
4, East St, 4th Layout,
Mahalakshmi Nagar,
Adambakkam,
Chennai - 600 080.

15.G.Selvam (since deceased)
16.S.Senthilkumar
17.S.Bangaru Lakshmi
18.M.Varadarajulu also known as Louis Jaloo
19.R.Saroja
20.M.Govindarajan
21.M.Jayaraman
22.P.Hema Malini
23.M.Seetharaman
24.M.Venkatesan
25.M.Rajaraman

26.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg,
Nana Chowk,
Mumbai-400 036.

.. Respondents

(Respondent No.26 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

C.R.P. (PD) No.1714 of 2005:

1.M.Gunasekaran
2.Parthasarathy

.. Petitioners

-vs-

1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

2.M/s.Wellstores (Madras) P. Ltd.,
35, HIG Flats,
Nandanam,
Chennai-600 0035.

3.S.Sridharan,
Director of Wellstores (Madras) P. Ltd.,
35, HIG Flats,
Nandanam,
Chennai-600 0035.

4.M/s.Hemambujam,
Director of Wellstores (Madras) P. Ltd.,
10, MGR Street, Saligramam,
Chennai-93.

5.V.R.Usha

6.K.R.Krishnan

7.V.Krishna Iyer (since deceased)

8.M.V.Anand

9.M.Vidya

10.M/s.Fashion Builders P. Ltd.,
475/30 HIG Flats,
Anna Salai, Chennai - 35.

11.M/s.Fashion Builders P. Ltd.,
475/30 HIG Flats,
Anna Salai, Chennai - 35.

12.K.Abhishekavalli
13.K.Bhaskaran
14.K.Vijayaraghavan
15.R.Sulochana

16.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg,
Nana Chowk,
Mumbai-400 036. .. Respondents

(Respondent No.16 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

C.R.P. (PD) No.1715 of 2005:

1.M.Gunasekaran
2.Parthasarathy .. Petitioners

1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

2.M/s.Abhinav Exims P. Ltd.,
46, 1st Cross Street,
Sabari Nagar, Porur,
Chennai - 600 112.

3.G.Selvam,
Director,
M/s.Abhinav Exims (Madras) P. Ltd.,
46, 1st Cross Street,
Sabari Nagar, Porur,
Chennai - 600 112.

4.Gobichandran,
Director,
M/s.Abhinav Exims (Madras) P. Ltd.,
46, 1st Cross Street,
Sabari Nagar, Porur,
Chennai – 600 112.

5.M/s.Fashion Builders (P) Ltd.,
475/30 HIG Flats,
Anna Salai, Nandanam,
Chennai – 600 035.

6.M/s.Arun Builders (P) Ltd.,
475/7, HIG Flats,
Anna Salai, Nandanam,
Chennai-600 035.

7.M.Subramani

8.G.Selvam (since deceased)

9.M.Venkatesan

10.M.Vidhya

11.Sathyam Chemicals P. Ltd.,
4, East Street, West CIT Nagar,
Nandanam,
Chennai – 600 035.

12.S.Rani

13.S.Senthilkumar

14.S.Bangaru Lakshmi

15.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg,
Nana Chowk,
Mumbai-400 036.

.. Respondents

(Respondent No.15 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

C.R.P. (PD) No.1716 of 2005:

1.M.Gunasekaran
2.Parthasarathy

.. Petitioners

-VS-

1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

2.M/s.Sanjeevi Packaging P. Ltd.,
151/10, MGR Street,
Saligramam, Vadapalni,
Chennai.

3.S.Rajeevi
Director M/s.Sanjeevi Packaging P. Ltd.,
30, HIG Flats, Anna Salai,
Nandanam, Chennai - 600 035.

4.S.Sridharan,
Director M/s.Sanjeevi Packaging P. Ltd.,
151/10, MGR Street,
Saligramam, Vadapalani,
Chennai.

5.C.S.Madhusudhanan,
Director M/s.Sanjeevi Packaging P. Ltd.,
M-4, Sudharshan Garden,
102, Velachery Road,
Guindy, Chennai - 600 032.

6.M/s.Arun Builders P. Ltd.,
475/30, HIG Flats, Anna Salai,
Nandanam, Chennai - 600 035.

7.M/s.Fashion Builders P. Ltd.,
475/30, HIG Flats, Anna Salai,
Nandanam, Chennai - 600 035.

- 8.M.Jayaraman
- 9.G.Prabhakaran (since deceased)
- 10.Pakkirisamy
- 11.P.Vijaya (since deceased)
- 12.J.Hemamalini
- 13.P.Sathish
- 14.S.Kavitha
- 15.M.Vidhya
- 16.P.Vijayaraghavan

- 17.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg,
Nana Chowk,
Mumbai-400 036.

.. Respondents

(Respondent No.17 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

C.R.P. (PD) No.1717 of 2005:

- 1.M.Gunasekaran
- 2.Parthasarathy

.. Petitioners

-vs-

- 1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

- 2.M/s.Indeco Builders (P) Ltd.,
Mount Poonamallee Road,
Chennai-600 116.

- 3.Srinivasa Raghavan,
M/s.Indeco Builders (P) Ltd.,
Mount Poonamallee Road,
Chennai-600 116.

4.Gopaludu Iyer,
M/s.Indeco Builders (P) Ltd.,
Mount Poonamallee Road,
Chennai-600 116.

5.M/s.Fashion Builders (P) Ltd.,
475/30, Anna Salai,
Teynampet, Chennai-600 018.

6.M/s.Arun Builders (P) Ltd.,
1, Garden Villa,
Mount, Ponnammallee Road,
Chennai-600 116.

7.M/s.Income Builders (P) Ltd.,
268-269 Anna Salai,
Teynampet, Chennai – 600 018.

8.G.Balakrishnan

9.S.Sridhar

10.Radha

11.Jayagathan

12.P.Ramanujam

13.V.Narayanaswamy

14.A.V.Anand

15.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg,
Nana Chowk,
Mumbai-400 036.

.. Respondents

(Respondent No.15 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

C.R.P. (PD) No.1718 of 2005:

1.M.Gunasekaran

2.Parthasarathy

.. Petitioners

-VS-

1.Indian Bank,
ARMB, Egmore,
Chennai - 600 008.

2.M/s.Ramraj Trading Company P. Ltd.,
Royala Towers, III 5th Floor,
781, Anna Salai,
Chennai – 600 002.

3.K.Sai Jagannathan

4.Janakiammal

5.M/s.Income Builders (P) Ltd.,
268-269 Anna Salai,
Teynampet, Chennai – 600 018.

6.M/s.Fashion Builders (P) Ltd.,
475/30 HIG Flats,
Anna Salai, Nandanam,
Chennai-600 035.

7.V.Chandralekha

8.S.Madhusudhanan

9.V.Anand

10.S.P.Vairavan

11.L.Abinesh Babu

12.K.Malaroviyam

13.H.Arul Manalan

14.Asset Reconstruction Company India Limited (ARCIL),
Shreepati Arcade,
August Kranti Marg, सत्यमेव जयते
Nana Chowk,
Mumbai-400 036.

.. Respondents

(Respondent No.14 impleaded as per the order
dt. 30.04.2014 made in CMP.Nos.194 to 199 of 2014
in CRP.Nos.1713 to 1718 of 2005)

Civil Revision Petitions filed under Article 227 of the Constitution of India against the order dated 19.08.2005 passed in I.A.Nos.390, 394, 392,393, 395 and 391 of 2005 in O.A.Nos.12, 23, 15,16, 24 and 14 of 1996 on the file of the Debts Recovery Tribunal-I, Chennai.

For Petitioners : Mr.Sreni K.S.Jain
in all CRPs for M/s.P.Subba Reddy

For Respondents : Mr.Jayesh B.Dolia
for respondent No.1
in all CRPs

Mr.Akhil R Bhansali
for respondent No.26 in
CRP.No.1713/2005;
respondent No.16 in
CRP.No.1714/2005;
respondent No.15 in
CRP.Nos.1715 & 1717/2005;
respondent No.17 in
CRP.No.1716/2005;
respondent No.14 in
CRP.No.1718/2005

Respondent Nos.11 & 15 in
CRP.No.1713/2005;

Respondent No.7 in
CRP.No.1714/2005;

Respondent No.8 in
CRP.No.1715/2005;

Respondent Nos.9 and 11 in
CRP.No.1716/2005 – Died

Respondent Nos.2 to 10, 12
to 14, 16 to 25 in
CRP.No.1713/2005;

Respondent Nos.2 to 6, 8 to
15 in CRP.No.1714/2005;

Respondent Nos.2 to 7, 11 to 14 in CRP.No.1715/2005;
Respondent Nos.2 to 8, 16 in CRP.No.1716/2005;
Respondent Nos.2 to 14 in CRP.No.1717/2005;
Respondent Nos.2 to 13 in CRP.No.1718 of 2005 – Not Ready in Notice

Respondent Nos.9 and 10 in CRP.No.1715/2005;
Respondent Nos.10, 12, 13, 14, 15 in CRP.No.1716/2005 – No Appearance

COMMON ORDER

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

Challenging the order passed in I.A.Nos.390 to 395 of 2005 in O.A.Nos.12, 23, 15, 16, 24 and 14 of 1996 respectively on the file of the Debts Recovery Tribunal-I, Chennai, the petitioners have filed the above Civil Revision Petitions under Article 227 of the Constitution of India.

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2. The petitioners have challenged the order passed by the Debts Recovery Tribunal-I, Chennai, without exhausting the alternate remedy available to them before the Debt Recovery Appellate Tribunal.

3. The learned counsel appearing for the first respondent Bank submitted that the applications filed by the petitioners in the Original Applications before the Debts Recovery Tribunal-I, Chennai were dismissed by the Tribunal and thereafter, the main Original Applications viz., O.A.Nos.12, 23, 15, 16, 24 and 14 of 1996 were also disposed of long back.

4. At this juncture, it is to be noted that the erstwhile counsel appearing for the first respondent Bank viz., M/s.King and Patridge, submitted that he has given change of vakalat and Mr.Jayesh B.Dolia has filed the change of vakalat for the first respondent Bank. However, the debt has been assigned in favour of Asset Reconstruction Company India Limited and Mr.Akhil R Bhansali, learned counsel is representing the Asset Reconstruction Company India Limited. The learned counsel appearing for Asset Reconstruction Company India Limited also submitted that the Original Applications were disposed of long back.

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5. Since the Original Applications were disposed of, we are of the view that nothing survives for adjudication in these Civil Revision Petitions. Accordingly, the Civil Revision Petitions are dismissed.

Consequently, C.M.P.Nos.19328 to 19333 of 2015; 200 to 205 and 206 to 211 of 2014 are closed.

(V.K.T., CJ.) (M.D., J.)
11.04.2019

Index : Yes/No
Internet : Yes
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To

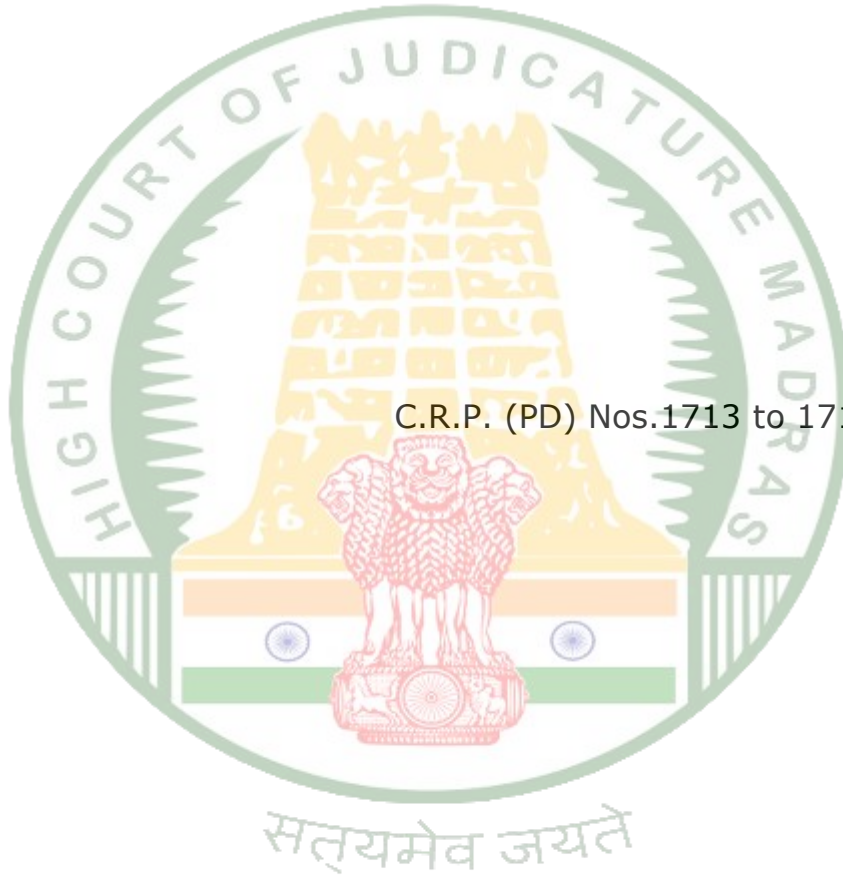
The Debts Recovery Tribunal-I,
Chennai.



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The Hon'ble Chief Justice
and
M.Duraiswamy, J.

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C.R.P. (PD) Nos.1713 to 1718 of 2005

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