

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.5260 of 2019

G.R.Sivakumar

.. Petitioner

Vs.

1.The Debts Recovery Tribunal,
Trichy Main Road,
Ramanathapuram,
Coimbatore rep by Registrar.

2.A.Dhanendharan

3.M/s.State Bank of India,
rep by its Chief Manager,
Commercial Branch,
Tiruppur.

4.The Recovery Officer,
Debts Recovery Tribunal,
Trichy Main Road,
Ramanathapuram,
Coimbatore.

5.Vasanthamani

6.M/s.Chitra Export Garments,
rep by its Partner Chinnasamy,
Door No.2, SS Nagar,
Thiruneelakandapuram,
Kongu Main Road, Tiruppur.

.. Respondents

(R5 & R6 given up vide order dated 05.03.2019)

Prayer in Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the 1st respondent to dispose of the appeal in A.P.NO.11 of 2014 within a time frame.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.N.Elumalai, (R3) - no appearance

R1 & R4 - Tribunal

R2 - no appearance

R5 & R6 - given up vide order dated 05.03.2019

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The 2nd respondent filed an application under Section 28 & 29 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 before the Recovery Officer. The Recovery Officer, by order dated 17.01.2014, rejected the case of the 2nd respondent. As against the order of the Recovery Officer, the 2nd respondent preferred an appeal in A.P.No.11 of 2014 before the Debts Recovery Tribunal, Coimbatore, the 1st respondent.

2.Now, the petitioner, who is the auction purchaser, has filed the above Writ Petition seeking for a direction to the 1st respondent viz., the Debts Recovery Tribunal, Coimbatore to dispose of the appeal in A.P.No.11 of 2014 within a time frame.

3.Since the appeal is pending before the Debts Recovery Tribunal, Coimbatore since the year 2014, we are of the view that the Debts Recovery Tribunal, Coimbatore should be directed to dispose of the appeal within a time frame. That apart, in view of the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, we direct the Debts Recovery Tribunal, Coimbatore to dispose of the appeal in A.P.No.11 of 2014, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

va

To

1.The Registrar,
Debts Recovery Tribunal,
Trichy Main Road, Ramanathapuram,
Coimbatore.

2.The Chief Manager,
M/s.State Bank of India,
Commercial Branch, Tiruppur.

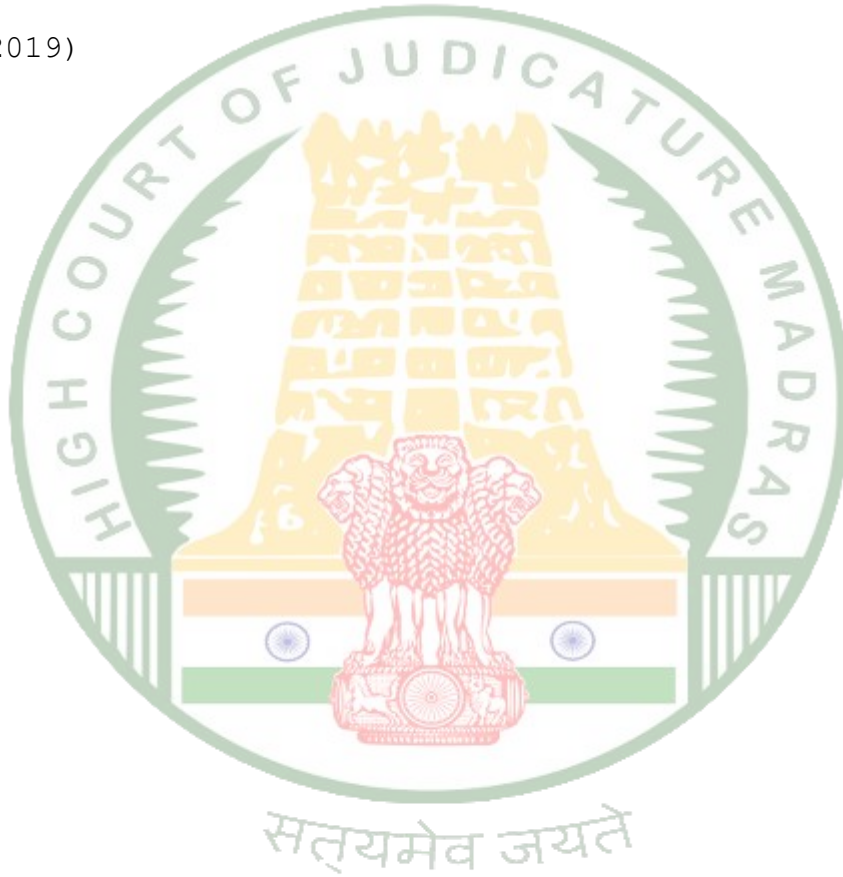
WEB COPY

3.The Recovery Officer,
Debts Recovery Tribunal,
Trichy Main Road,
Ramanathapuram, Coimbatore.

+1cc to Mr. N.Elumalai, Advocate, S.R.No. 30825
+1cc to Mr. K.Mayilsamy, Advocate, S.R.No. 30851

W.P.No.5260 of 2019

SSV(CO)
GN(02/05/2019)



WEB COPY