

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.05.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE Mr.JUSTICE SUBRAMONIUM PRASAD

C.R.P.(N.P.D.) No. 1753 of 2019
and C.M.P.No.11208 of 2019

1. M/s.Sri Devi Karumariamman Educational Trust,
 No.5, Chellammal Complex,
 Arcot Road, Janaki Nagar,
 Valasaravakkam, Chennai 600 087
 Represented by its Trustee Mr.J.Kumaran

2. G.Jayaraman
 3. J.Kumaran
 4. J.Jayalakshmi
 5. J.Anandhi
 6. J.Nirmala

Petitioners

Vs

1. Central Bank of India,
 Mid Corporate Branch,
 48/49, Montieth Road,
 Egmore, Chennai 600 008
 Rep by its Chief Manager

2. Bank of India,
 Mid Corporate Branch,
 Tarapore Towers
 826, Annasalai, Chennai 600 002
 Rep by its Asst.General Manager

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to direct the Presiding Officer of DRT II, Chennai to dispose of

I.A.No.454 of 2019 for cross examination of the applicant-Bank witness on merits before proceeding with the final hearing of the main O.A.No.496 of 2016 from the side of the Revision Petitioners/Defendants.

For Petitioner : Mr. Aravindh Pandian
Senior Counsel for
Mr.Pushpakaran
For Respondent-1 : Mr.V.Srinivasan
For Respondent-2 : Mr.Nithyaesh Natraj

ORDER

(Order of the Court was delivered by S. VAIDYANATHAN,J.,)

The Civil Revision Petition has been filed seeking a direction to the Presiding Officer of DRT II, Chennai to dispose of I.A.No.454 of 2019 for cross examination of the Bank witness on merits before proceeding with the final hearing of the main O.A.No.496 of 2016.

2. When the matter is taken up for hearing, Mr.Aravindh Pandian, learned Senior Counsel appearing for the petitioners would submit that there is an I.A filed for the purpose of cross examination of the witness and that he wanted to examine the Assistant General Manager, Central Bank of India, Mid Corporate Branch, Chennai.

3. Mr.V.Srinivasan, learned counsel appearing for the first respondent/Bank would submit that he has no objection for cross examination of the Assistant General Manager, Central Bank of India Mid Corporate Branch, Chennai, however, submitted that as two officers of the Bank are due to retire by the end of this month, a decision on merits could be arrived at after cross examination is over and that this Court may fix the time limit.

4. Mr.Nithyaesh Natraj, learned counsel appearing for the second respondent/Bank would submit that the matter is pending from the year 2016 and that the petitioner is adopting dilatory tactics and avoiding payment of debt due to the Bank.

5. It is trite that when the applicants are disputing the entries in the Statement of Accounts as incorrect, they should be given an opportunity to cross examine the witness of the Bank [Vide (i) M/s.Agnite Education Ltd., -Vs- State Bank of India and others (W.P.No.8985 of 2017 and W.M.P.No.9896 of 2017) and (ii) UCO Bank -vs- A.Jaffar Alikhan and others (C.R.P(PD) Nos.399 to 401 of 2016 and C.M.P.Nos.2159 to 2161 of 2016)].

6. Taking note of the consent made by the first respondent/Bank that they are willing to produce the witness for the

purpose of cross examination and that the petitioners are also willing to cross examine the said witness, the Assistant General Manager, Central Bank of India Mid Corporate Branch, Chennai is directed to appear before the Debts Recovery Tribunal and his cross examination shall be completed on or before 17.05.2019. The final arguments shall be concluded on or before 24.05.2019 so that the order could be passed by the Tribunal on or before 31.05.2019.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[SVNJ]

[SPJ]

08.05.2019

mrp/srn

Note: Issue copy of this order on or before 13.05.2019

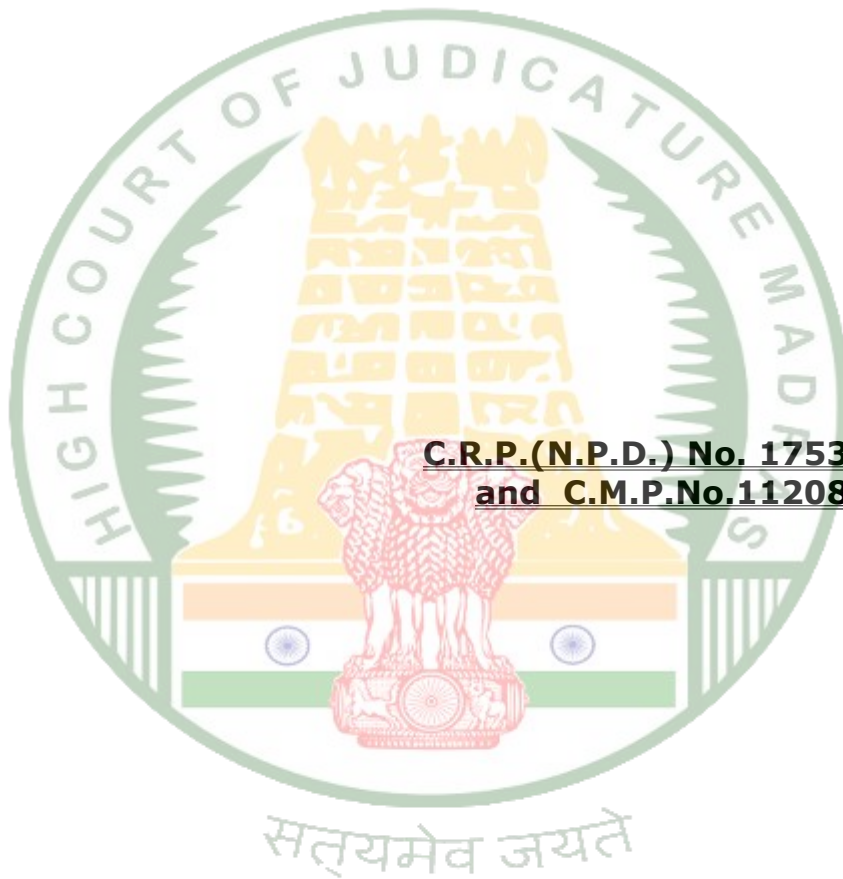
To

1. The Chief Manager
Central Bank of India,
Mid Corporate Branch,
48/49, Montieth Road, Egmore, Chennai 600 008

2. The Assistant General Manager
Bank of India,
Mid Corporate Branch,
Tarapore Towers, 826, Annasalai, Chennai 600 002

**S.VAIDYANATHAN, J
AND
SUBRAMONIUM PRASAD, J**

mrp/srn



**C.R.P.(N.P.D.) No. 1753 of 2019
and C.M.P.No.11208 of 2019**

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