

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM :

The Hon'ble Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P. No.14787 of 2019
and WMP No14768 of 2019

E. Santhiya

.. Petitioner

-vs-

1. The Debt Recovery Appellate Tribunal,
rep by its Registrar,
Coimbatore

2. The Authorised Officer,
Indian Overseas Bank,
Nanjundapuram Branch,
Coimbatore - 641 036

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to dispose of the petitioner's implead petition filed in S.A.No.13/2019 at the earliest.

For Petitioner : Mr.R. Kannan

For R.1 : Tribunal

For R.2 : Mr.R. Rajendra Raghavan

O R D E R

(Order of the Court was made by The Hon'ble Acting Chief Justice)

This Writ Petition has been filed praying to issue a Writ of Mandamus direct the first respondent to dispose of the petitioner's implead petition filed in S.A.No.13/2019 at the earliest.

2. Since the petitioner has an alternative remedy before the Debts Recovery Appellate Tribunal against the order passed by the Debts Recovery Tribunal, rejecting her application for impleadment, we are not inclined to entertain the present Writ Petition. Hence, the Writ Petition is dismissed.

3. With regard to making of pre-deposit for preferring an appeal before the Debt Recovery Appellate Tribunal by a third party, the issue is already covered by the judgment of the Division Bench of this Court in CRP (NPD) Nos.1492 of 2017 etc., batch dated 11.04.2019, (Sree Jeya Soundharam Textile Mills Pvt Ltd and Others vs Canara Bank and Others,) which has been subsequently followed by this Bench in the case of M/s.Ashok Wood Works and another v. Indian Overseas Bank (W.P.No.22981 of 2019 dated 30.9.2019)

4. Since there is an alternate remedy available to the petitioner, she shall file an application within a period of four weeks from today and on filing such application, the Debts Recovery Appellate Tribunal may entertain and decide the same on merits and in accordance with law.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

sr
To

1. The Debt Recovery Appellate Tribunal,
rep by its Registrar,
Coimbatore

2. The Authorised Officer,
Indian Overseas Bank,
Nanjundapuram Branch,
Coimbatore - 641 036

+1 CC to Mr.R. Kannan, Advocate sr 93198

+1 CC to Mr.Rajendra Raghavan, Advocate sr 93281.

W.P. No.14787 of 2019

PP(CO)
SP(04/12/2019)