

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD) No.1802 Of 2019 and

C.M.P.Nos.11808 & 11809 of 2019

M/s.K R K Kupabai Ammal Modern Rice Mill,
Rep. By K.Dhanasekaran,
S/o.Kamalakannan, aged about 55 years
Timiri rlad, Arcot Taluk,
Vellore District.

... Petitioner

State Bank of India,
Kalavai Branch
Arcot Main Road,
Kalavai – 632 506.

v.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 20.05.2019 passed by the Debt Recovery Recovery Tribunal-1, Chennai in I.A.No.164 of 2019 in S.A.No.185 of 2018.

For Petitioner : Mr. S.Raveekumar

For Respondents : Dr.T.Ramasamy,
Standing Counsel for SBI, Tamil Nadu

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

Challenging the order passed in I.A.No.164 of 2019 in S.A.No.185 of 2018 on the file of the Debt Recovery Tribunal-1, Chennai, the petitioner has filed the above Civil Revision Petition under Article 227 of the Constitution of India.

2. The petitioner has filed the Civil Revision Petition as against the order passed by the Debt Recovery Tribunal without exhausting the alternate remedy by way of an appeal available to them under section 18 of the SARFAESI Act before the Debt Recovery Appellate Tribunal.

3. When the petitioner has got remedy by way of an appeal available to them under section 18 of the SARFAESI Act, we are not inclined to entertain the Civil Revision Petition. However, it is open to the petitioner to challenge the impugned order dated 20.05.2019 made in

I.A.No.164 of 2019 in S.A.No.185 of 2018 before the Debt Recovery Appellate Tribunal under section 18 of the SARFAESI Act , in accordance with law.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(V.K.T., C.J.) (M.D., J.)
26.06.2019

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

To

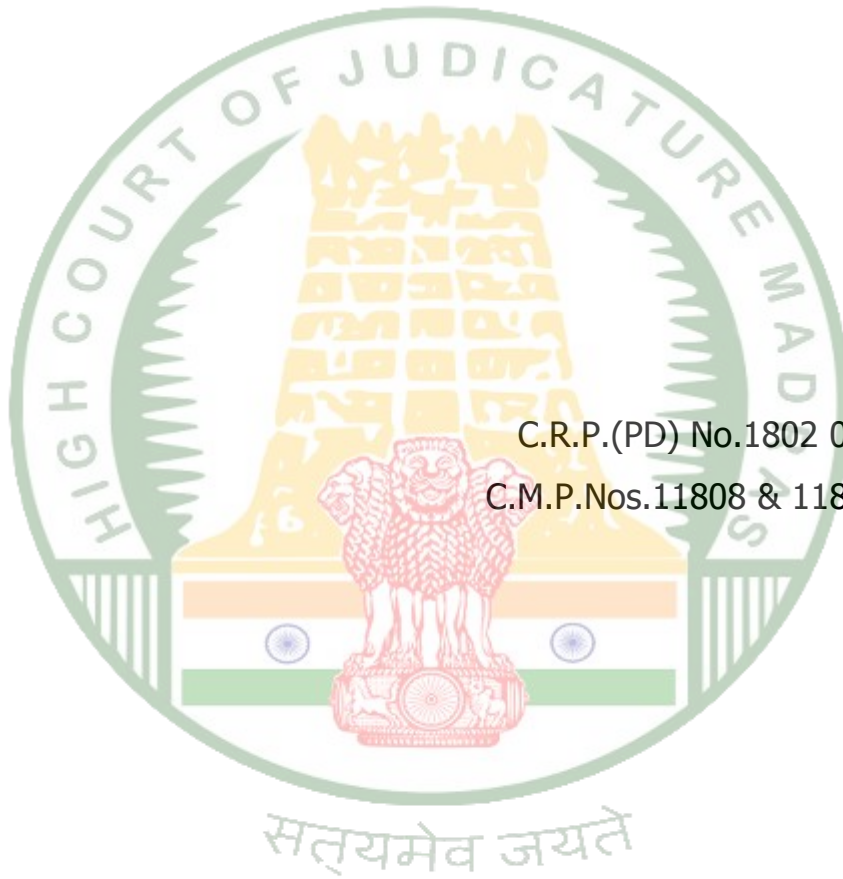
1. The Debt Recovery Appellate Tribunal,
Chennai.

2. The Debts Recovery Tribunal-1,
Chennai.

3. State Bank of India,
Kalavai Branch
Arcot Main Road,
Kalavai – 632 506.

THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY,J.

Rj



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