

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM :

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

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.19479 of 2019

1.M/s.Sunshine Enterprises Pvt. Ltd.,
2/195A, Avinashi Road,
Chinniyampalayam,
Coimbatore - 641 062.

2.R.Elangovan,
Director,
M/s.Sunshine Enterprises Pvt. Ltd.,
Chinniyampalayam,
Coimbatore - 641 062.

3.E.Shanthi

.. Petitioners

-vs-

1.M/s.Asset Reconstruction Company (India) Ltd.,
rep. by its Authorised Officer,
The Ruby, 10th Floor,
29, Senapati Bapat Marg,
Dadar (West),
Mumbai - 400 028.

2.Debts Recovery Tribunal,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the Debts Recovery Tribunal, Coimbatore to take up and decide the petition numbered as I.A.No.664 of 2019 in S.A.No.107 of 2019 seeking appointment of an Advocate Commissioner, pending before the Debts Recovery Tribunal, Coimbatore within a stipulated time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.S.Venugopal Raj

For Respondents : Mr.Jayesh B.Dolia
for M/s.Ayyar & Dolia
for respondent No.1

R2 - Tribunal

ORDER

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

Heard Mr.S.Venugopal Raj, learned counsel for the petitioner and Mr.Jayesh B.Dolia, learned counsel for respondent No.1.

2. The case of the petitioners is that I.A.No.664 of 2019 for appointment of an Advocate Commissioner has been preferred by the petitioners in S.A.No.107 of 2019 on the file of the Debts Recovery Tribunal, Coimbatore. The learned counsel for the petitioners submitted that though I.A.No.664 of 2019 was preferred on 04.03.2019, till today, no order has been passed thereon. Thus, it is prayed that a direction be issued to the Debts Recovery Tribunal, Coimbatore, to dispose of I.A.No.664 of 2019 in S.A.No.107 of 2019 at the earliest.

3. In view of the limited prayer made by the petitioners, without expressing any opinion on the merits of the case and looking to the fact that I.A.No.664 of 2019 in S.A.No.107 of 2019 is pending since 04.03.2019, we direct the Debts Recovery Tribunal, Coimbatore to dispose of I.A.No.664 of 2019 in S.A.No.107 of 2019 within a period of four weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.No.18968 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Authorised Officer,
M/s.Asset Reconstruction Company (India) Ltd.,
The Ruby, 10th Floor,
29, Senapati Bapat Marg,
Dadar (West),
Mumbai - 400 028.

2.The Debts Recovery Tribunal,
Coimbatore.

+1cc to Mr.S.Venugopal Raj, Advocate, S.R.No.58178

W.P.No.19479 of 2019

BS (CO)

RRS (05/08/2019)



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