

W.M.P.No.20655 of 2019  
in W.P.No.15308 of 2019

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

(Order of the Court was made by *M.DURAIWAMY,J.*)

Respondents 2 to 7 in the writ petition have filed the above miscellaneous petition to extend the time period fixed for disposing of the application in O.A.No.496 of 2016 and Interlocutory Applications by six weeks from the date of receipt of a copy of the order.

2. By order dated 6.6.2019, at the instance of the first respondent herein (writ petitioner), we have directed Debts Recovery Tribunal-II, Chennai, to dispose of O.A.No.496 of 2016 and also all the Interlocutory Applications on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of the said order.

3. The learned Senior Counsel appearing for the petitioners (respondents 2 to 7 in the writ petition) submitted that six weeks time granted by this Court expires today and, therefore, the Debts Recovery Tribunal-II, Chennai, is likely to pronounce orders in the Original Application today.

4. The learned counsel appearing for the first respondent herein

(writ petitioner) submitted that the writ petitioner had already completed arguments and, therefore, nothing remains in the matter for granting further time to the Tribunal to dispose of the Original Application.

5. The learned Senior Counsel for petitioners (respondents 2 to 7 in the writ petition) submitted that the petitioners were not given an opportunity to make their submissions before the Tribunal and, hence, the time granted by this Court in the order dated 6.6.2019 passed in W.P.No.15308 of 2019 may be extended at least by a week.

6. It is brought to the notice of this Court that when the matter was listed on 15.7.2019 before the Tribunal, the Junior Counsel for the claimant and the Junior Counsel for the defendants were present, but the counter claimant was not ready and the defendants, despite accepting to argue the matter on that date, were not ready and, therefore, the Tribunal closed the arguments and posted the matter to 22.7.2019, i.e., today, for pronouncing orders, in view of the order dated 6.6.2019 passed by this Court.

7. The learned counsel for the first respondent (writ petitioner) submitted that the Debts Recovery Tribunal had already disposed of the Original Application and the same is not pending. However, the learned Senior Counsel appearing for the petitioners (respondents 2 to 7 in the

writ petition) submitted that the Original Application is still pending.

8. Considering the overall facts and circumstances of the case, more particularly the fact that the parties were not given opportunity to make their submissions, and also the divergent stand taken by the learned counsel on either side with regard to the disposal of the Original Application, in the interest of justice, we direct the Debts Recovery Tribunal-II, Chennai, to dispose of O.A.No.496 of 2016, if it is not already disposed of, and also Counter Claim No.3 of 2018 and all the Interlocutory Applications within a period of one week from the date of receipt of a copy of this order. In all other respects, the order dated 6.6.2019 passed by this Court shall remain unaltered.

This petition is ordered accordingly.

(V.K.T., C.J.)

(M.D., J.)

22.07.2019

Note to Registry:

**Issue order copy today (22.7.2019)**

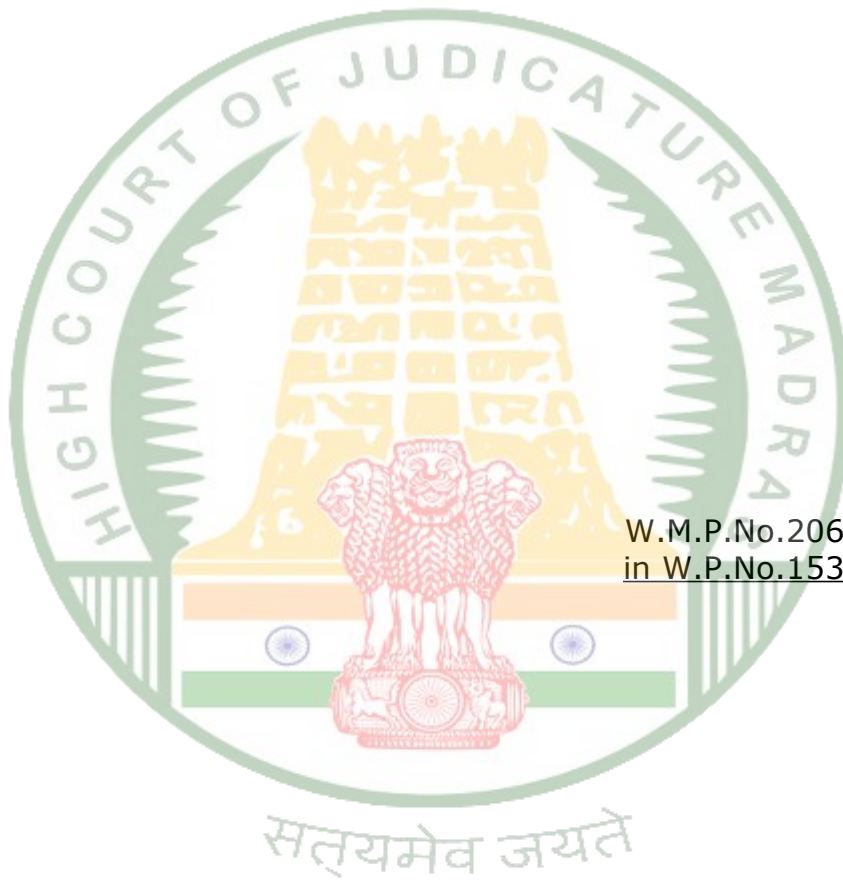
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THE HON'BLE CHIEF JUSTICE  
AND  
M.DURAI SWAMY,J.

(sasi)



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