

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.9.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26803 of 2019
and
W.M.P.No.26199 of 2019

1. M/s.Geekay Fashions,
rep. by its Partner M.S.Ganesan
No.78, (Old No.27), Lakshmi Nagar,
50 Feet Road, Tirupur 641 602.
 2. M.S.Ganesan
 3. G.Tamil Selvi
- Petitioners

Versus

1. The Authorised Officer,
Regional Office,
Stressed Assets Recovery
Branch (ROSARB),
Bank of Baroda,
82, Bank Road, 2nd Floor,
Coimbatore 641 018.
2. Bank of Baroda,
rep. by its Manager,
Sarkar Periyapalayam Branch,
Uthukuli Main Road,
Coolipalayam Naal Road
Sarkar Periyapalayam Post,
Tirupur 641 607.
3. M/s.The Goldspun Corps,
rep. by its Partner,
Mr.Joseph Gerald,
No.9, P.V.C.Nagar,
Opp. to Subbara Gounder
Kalyana Mandapam,
Valayakkadu, Tirupur 641 602.
4. M/s.Hongkong and Shanghai
Banking Corporation Ltd.,
rep. by its Manager,
108, Race Course Road,
Sri Vari Gokul Towers,
Coimbatore 641 018.

5. Debts Recovery Tribunal,
Coimbatore.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Debts Recovery Tribunal, Coimbatore to consider the memo dated 5.8.2019 filed in O.A.No.26 of 2015 to conduct a joint trial for the applications numbered as S.A.No.136 of 2014, O.A.No.26 of 2015, Counter Claim No.1 of 2017, S.A.No.570 of 2018, S.A.No.83 of 2019 and S.A.No.264 of 2019 pending before the Debts Recovery Tribunal, Coimbatore and dispose of the same within a time frame, as may be, fixed by this Court.

For petitioner : Mr.K.R.Arun Shabari

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The only prayer made in the Writ Petition by the Petitioners-Borrowers is that the in a case pending before the Debts Recovery Tribunal, Coimbatore in O.A.No.26/2015, filed by the Respondent-Bank the petitioners had filed Counter Claim and certain other Interlocutory Applications in the form of S.A., but, they are not heard together by the learned Tribunal.

2. The learned counsel for the Petitioner has drawn our attention to the Memo filed on behalf of the Petitioners/Defendants, but, it does not bear any date, however, the learned counsel for the Petitioner submits that it is filed on 5.8.2019. The present Writ Petition for the aforesaid relief has been filed on 20th August 2019, just within 15 days after filing such Applications.

3. Therefore, we are not inclined to interfere in the matter by giving any direction. It is for the parties before the Tribunal to pursue the matter before the Tribunal itself in a regular manner. No mandamus direction can be given to fetter the independent way of the Tribunal in deciding the cases. The Writ Petition is dismissed. No costs. The connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk

To:

1. The Authorised Officer,
Regional Office,
Stressed Assets Recovery
Branch (ROSARB),
Bank of Baroda,
82, Bank Road, 2nd Floor, Coimbatore 641 018.

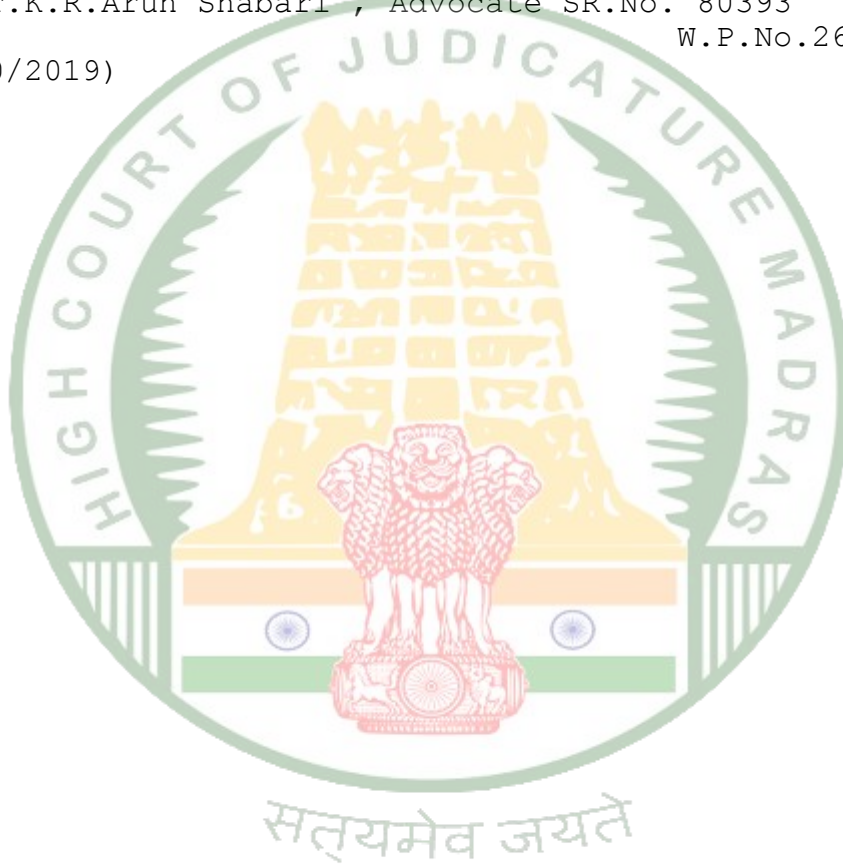
2. Bank of Baroda,
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Sarkar Periyapalayam Post,
Tirupur 641 607.

3.. Debts Recovery Tribunal,
Coimbatore.

+1cc to Mr.K.R.Arun Shabari , Advocate SR.No. 80393

W.P.No.26803 of 2019

A.SK(24/10/2019)



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