

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.25365 of 2018

J.Vinayakham

.. Petitioner

-vs-

1.The Authorized Officer,
Bank of Maharashtra,
Zonal Office,
4, Sivagnanam Road,
T.Nagar,
Chennai - 600 017.

2.M/s.Sai Krishna Engineers Private Limited,
rep. by its Managing Director V.Madhavan,
Plot No.18, Self Help Industrial Estate,
Keelkattalai,
Chennai - 600 117.

3.V.Madhavan

4.M.Hemalatha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the proceedings in common order dated 05.09.2018 passed in I.A.No.896 of 2017 in S.A.No.207 of 2017 on the file of the Debts Recovery Tribunal-II, Chennai and to quash the same as illegal, void and without jurisdiction.

For Petitioner

: Mr.Govind Chandrasekhar

For Respondents

: Mr.D.Sairam Kumar
for respondent No.1

Mr.S.Saravana Kumar
for respondent Nos.2 to 4

ORDER

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

The petitioner, who is the auction purchaser has challenged the common order of the Debts Recovery Tribunal-II, Chennai dated 05.09.2018 passed in I.A.No.896 of 2017 in S.A.No.207 of 2017.

2. It is an admitted fact that the first respondent Bank has already challenged the very same common order dated 05.09.2018 and the appeal being AIR No.524 of 2018 is pending before the Debt Recovery Appellate Tribunal, Chennai.

3. In view of the above, we are of the opinion that the petitioner is a necessary party in AIR No.524 of 2018 pending before the Debt Recovery Appellate Tribunal, Chennai. Hence, the first respondent Bank is directed to implead the petitioner in the appeal proceedings pending before the Debt Recovery Appellate Tribunal, Chennai.

4. In our opinion, no further orders are necessary. The writ petition is disposed of in terms aforesaid. No costs. Consequently, W.M.P.Nos.29509 and 29511 of 2018 are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar, Debt Recovery Appellate Tribunal, Chennai.

2.The Authorized Officer,

Bank of Maharashtra,

Zonal Office, 4, Sivagnanam Road, T.Nagar, Chennai - 600 017

3.The Debt Recovery Appellate Tribunal, Chennai.

+1 cc to Mr.Govind Chandrasekhar, Advocate Sr.No.3015

+1 cc to Mr.S.Saravana Kumar, Advocate Sr.No.2784

W.P. No.25365 of 2018

CSL/01.02.2019