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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).No.3120 of 2018

M/s.Coromandel Indag Products India Limited
No.5A, Ram Mansions, 5th Floor,
No.381, Pantheon Road,
Egmore, Chennai - 600 008
rep by its Managing Director
Arun R.Fedrick

... Petitioner

Vs.

1.M/s.Canara Bank,
Asset Recovery Management Branch,
Spencer Tower II, First Floor,
770-A, Anna Salai, Chennai - 600 002.

2.C.Vijayakumar

... Respondents

Petition filed under Article 227 of the Constitution of India against the final order dated 31.08.2018 in AIR(SA).No.473 of 2017 (SIA.No.52 of 2013 in SR.No.4241 of 2013 on the file of the Debts Recovery Tribunal - I, Chennai) on the file of the Debt Recovery Appellate Tribunal, Chennai.

For Petitioner : Mrs.Hema Sampath, Senior Counsel
for M/s.B.Manimaran

For Respondents : Mr.K.S.V.Prasad (R1)

R2 - no appearance

ORDER

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The petitioner has filed the above Civil Revision Petition challenging

the order passed in AIR (SA).No.473 of 2017 (SIA.No.52 of 2013 in SR.No.4241 of 2013 on the file of the Debts Recovery Tribunal - I, Chennai) on the file of the Debt Recovery Appellate Tribunal, Chennai.

2.The petitioner is challenging the order dated 31.08.2018 passed in SIA.No.52 of 2013 in SA.SR.No.4241 of 2013 on the file of the Debts Recovery Tribunal - I, Chennai seeking for condonation of delay in filing the appeal under Section 17 of the SARFAESI Act before the Debt Recovery Appellate Tribunal, Chennai. The Appellate Tribunal pointed out some defects in the cause-title in the appeal. The petitioner was designated as Managing Director in the cause-title, whereas, he has affixed the seal in the memorandum of grounds in the appeal as Director of the Company. Since the petitioner has not rectified the defect for a period of 11 months, the Appellate Tribunal, by order dated 31.08.208 dismissed the appeal.

3.The learned senior counsel appearing for the petitioner submitted that the petitioner has already filed an application seeking for amendment of the cause-title. However, the Appellate Tribunal has not considered the same yet. The learned senior counsel further submitted that at present the petitioner is only a Director of the Company, therefore, he filed an application seeking for amendment of the cause-title.

4.Since the Appellate Tribunal had dismissed the appeal without

considering the amendment application, we are of the considered view that the Debt Recovery Appellate Tribunal can be directed to consider the amendment application and thereafter consider the appeal for numbering.

5. In such view of the matter, the impugned order dated 31.08.2018 passed in AIR (SA).No.473 of 2017 on the file of the Debt Recovery Appellate Tribunal, Chennai is set aside and we direct the Appellate Tribunal to consider the amendment application filed by the petitioner and decide the same on merits and in accordance with law. After passing orders in the amendment application, the Appellate Tribunal can consider numbering the appeal, if the papers are otherwise in order.

6. In the result, the Civil Revision Petition is allowed. No costs.

Index : Yes/No

Internet : Yes

Speaking /Non Speaking Order
va

(V.K.T., CJ.)

(M.D., J.)

24.01.2019

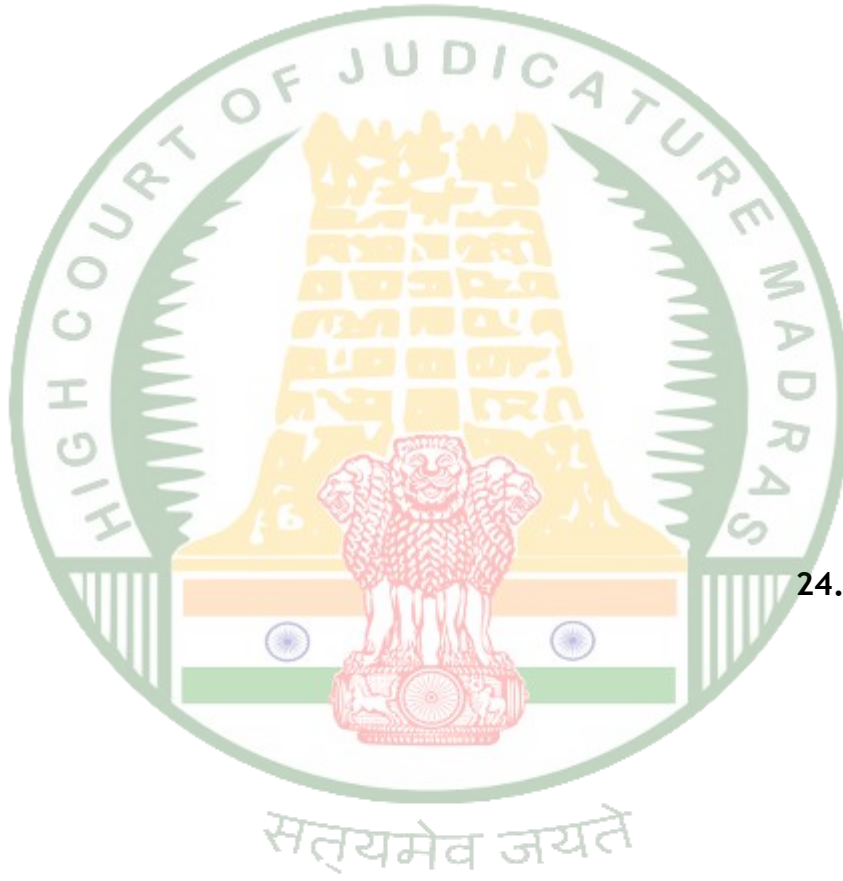
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THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY, J.

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