



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

C.R.P. (MD) No. 741 of 2019
and CMP (MD) No. 4397 of 2019

1. S. Kala

2. Minor S. Balameena

rep. By her mother and Next Friend - Aruna

D/o. B. Sankaramoorthy : Petitioners/Applicants

Vs.

The Authorised Officer

State Bank of India

Stressed Assets Recovery Branch

No. 8, First Floor

Dr. Ambedkar Road

Madurai - 625 020.

: Respondent/Defendant

PRAYER: Petition is filed under Article 227 of the Constitution of India against the order dated 29.03.2019 passed in S.A.S.R.No.3156 of 2019 on the file of the Debt Recovery Tribunal, Madurai.

For Petitioners

: Mr. R. Aravindan

ORDER

P. N. PRAKASH, J

The petitioners filed an application under Section 17(1) of the SARFAESI Act before the Debt Recovery Tribunal and the same has been dismissed by the order impugned, challenging which, this Civil Revision Petition has been filed.

2. The learned counsel for the petitioners submitted that the Debt Recovery Tribunal has dismissed the petition filed by the petitioners without even numbering it at SR stage. However, on a reading of the order passed by the Debt Recovery Tribunal, it is seen that the order has been passed on merits by giving reasons. Therefore, just because the Debt Recovery Tribunal had not numbered the petition and had dismissed it at SR stage, it does not mean that the petitioners will not have any remedy before the Debt Recovery Appellate Tribunal. Therefore, liberty is given to the petitioners to approach the Debt Recovery Appellate Tribunal assailing the order passed by the Debt Recovery Tribunal and the Debt Recovery Appellate Tribunal shall consider the same without in any manner influenced by this order.



3. At this juncture, the learned counsel for the petitioners submitted that the period of limitation for filing the appeal before the Debt Recovery Appellate Tribunal has been lost, in view of the pendency of this petition before this Court.

4. Accepting the said submission, we direct that the period from 11.04.2019 to 03.05.2019 shall stand excluded in computing the period of limitation for approaching the Debt Recovery Appellate Tribunal.

5. With the above direction, this petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Debt Recovery Appellate Tribunal
Mount Road,
Chennai.

2.The Debt Recovery Tribunal
Madurai

3.The Authorised Officer
State Bank of India
Stressed Assets Recovery Branch
No.8, First Floor
Dr.Ambedkar Road
Madurai - 625 020.

Copy To:

The Section Officer,
ER Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ARAVINDAN, Advocate (SR-63437[F] dated 27/04/2019)

Order made in

C.R.P. (MD) No.741 of 2019
and CMP (MD) No.4397 of 2019

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