



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.10805 of 2019
and
W.M.P. (MD)No.8268 of 2019

K.Thanuskody : Petitioner

Vs.

1. Senior Manager,
Indian Overseas Bank,
Sattur Branch,
Sattur, Virudhunagar District.

2. The Recovery Officer,
Debts Recovery Tribunal,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the second respondent in RP.No.61/2019 in DRC No.61/2019, dated 19.03.2019 and quash the same as illegal, without jurisdiction and consequently directing the respondents not to take any further proceedings pending disposal of the M.A.No.60 of 2019 in O.A.No.1044 of 2015 on the file of Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.S.A.Ajmalkhan

For R-1 : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by SENTHILKUMAR RAMAMOORTHY, J.]

In this writ petition, the petitioner challenges the proceedings of the second respondent in R.P.No.61 of 2019 in D.R.C.No.61 of 2019, dated 19.03.2019.



2. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent.

3. When the matter was listed before this Court on 07.06.2019, an interim order was passed to the following effect:-

"There will be an order of interim stay of the impugned proceedings subject to the condition that the petitioner pays a sum of Rs.4,00,000/- to the respondent Bank within a period of six weeks from the date of receipt of a copy of this order, either in installment or by lump sum, however, within a period of six weeks as stated supra. If the petitioner fails to make such payment within the time stipulated, it is open to the respondent Bank to proceed with the impugned notice in accordance with law without reference to the pendency of the writ petition."

4. At the hearing today, it is represented by the learned counsel on both sides that the said interim order has been complied with and that the petitioner has paid a sum of Rs.4,00,000/- to the writ petitioner as per the said interim order.

5. The petitioner had filed M.A.No.60 of 2019 in Original Application No.1044 of 2015 on the file of the Debts Recovery Tribunal, Madurai in order to condone the delay of 13 days in filing the set aside petition so as to set aside the order dated 22.01.2019 in the above mentioned Original Application. The admitted position is that the said Miscellaneous Application is pending on the file of the Debts Recovery Tribunal, Madurai.

6. The learned counsel for the petitioner and for the first respondent/bank submitted that an order may be passed for the disposal of the said Miscellaneous Application within a stipulated time.

7. We find that pursuant to the said ex-parte order of the Debts Recovery Tribunal, a notice for drawing proclamation of sale was issued on 19.03.2019 so as to proceed further to realise the dues.

8. In view of the fact that the petitioner has complied with the interim order, without expressing any opinion on the merits of the case, we are inclined to dispose of the writ petition by directing the Debts Recovery Tribunal, Madurai, to dispose of the pending Miscellaneous Application, within a period of two weeks from the date of receipt of a copy of this order. Until such time, status-quo as on today shall be maintained with regard to further proceedings pursuant to the recovery certificate issued by the Debts Recovery Tribunal. No costs. Consequently, connected Miscellaneous



Petition is closed.

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W.P.(MD)No.10805 of 2019

Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

1. The Senior Manager,
Indian Overseas Bank,
Sattur Branch,
Sattur, Virudhunagar District.

2. The Recovery Officer,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-79005[F] dated 31/07/2019)

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-79328[F] dt.02/08/2019)

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rj2

JMN(13.08.2019) 3P : 5C