



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

WEB COPY

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

C.R.P. (MD)No.1453 of 2019

and

C.M.P. (MD)No.7724 of 2019

1.V.Shiva

2.K.S.Madhumalar

3.R.Varatharajan

4.V.Aarthy

... Petitioners/Petitioners/
Appellants

- Vs. -

The Authorized Officer,
REPCO HOME FINANCE LTD.,
No.5C, GM Complex
First Floor, North Veli Street,
Madurai - 625 001.

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the order passed in I.A.No.641 of 2019 in S.A.No.191 of 2019, dated 18.06.2019, by the Debts Recovery Tribunal, Madurai, and to set aside the same.

For Petitioners : Mr.S.A.Haja Mohideen

O R D E R

[Order of the Court was made by K.RAVICHANDRABAABU, J.]

The present Civil Revision Petition is filed challenging the order made in I.A.No.641 of 2019 in S.A.No.191 of 2019, dated 18.06.2019, passed by the Debts Recovery Tribunal, Madurai. Through the impugned order, the Debts Recovery Tribunal, Madurai, vacated the stay granted already on the reason that the petitioner has not complied with the conditional order of stay, more particularly, by not making the second installment, as ordered while granting the



interim stay.

2. Though the learned counsel for the petitioner sought to raise very many contentions on merits, we are not inclined to entertain this Civil Revision Petition for two reasons. Firstly, the admitted fact remains that the petitioner has not complied with the conditional order granted by the Debts Recovery Tribunal. Secondly, the order under challenge can also be challenged by way of filing an appeal before the Debts Recovery Appellate Tribunal as such remedy is available under the relevant statute. Therefore, on both these reasons, we are not inclined to entertain the present Civil Revision Petition.

3. Accordingly, this Civil Revision Petition is dismissed, however, by granting liberty to the petitioner to work out his remedy before the Debts Recovery Appellate Tribunal by filing an appropriate appeal within a period of two weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To
The Debts Recovery Tribunal, Madurai.

+1 CC to M/s.A. HAJA MOHIDEEN, Advocate (SR-83638[F] dated 27/08/2019)

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rj2
JMN(13.09.2019) 2P : 3C