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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.25983 of 2019

and

W.M.P (MD) No.22493 of 2019

Axis Bank Limited,
represented by its
Authorized Signatory,
Triveni Building, 1st Floor, B-35,
Sastri Road, Thillai Nagar,
Tricity - 620 018.

... Petitioner

Vs.

1.The Registrar,
Debts Recovery Tribunal,
Madurai.

2.M/s.Cholamandalam Investment and
Finance Company Limited,
No.16, Ramanathan Arcade,
K.C.Road, Tennur,
Trichy - 620 017.

3.N.Raja Mohamed
4.R.Noorjahan

... Respondents

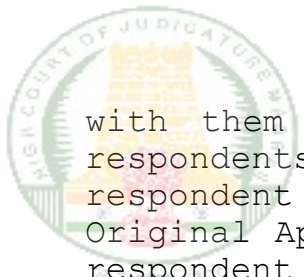
Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to furnish the details of the Loan Account that the respondents 3 and 4 maintained with them and the details of the Schedule of Property that the respondents 3 and 4 mortgaged with them and forbear the second respondent from releasing the said property pending disposal of the Original Application in O.A.No.680 of 2016 on the file of the first respondent - Tribunal.

For Petitioner : Mr.P.Pethu Rajesh

ORDER

[Order of the Court was made by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of Mandamus directing the second respondent to furnish the details of the Loan Account that the respondents 3 and 4 maintained



with them and the details of the Schedule of Property that the respondents 3 and 4 mortgaged with them and forbearing the second respondent from releasing the said property pending disposal of the Original Application in O.A.No.680 of 2016 on the file of the first respondent - Tribunal.

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2. When the writ petition is taken up for hearing, the learned Counsel for the petitioner submitted that in the Original Application in O.A.No.680 of 2016 pending on the file of the Debts Recovery Tribunal, Madurai, the respondents 2 to 4 were set exparte and the respondents 3 and 4 have filed an application in I.A.No.1011 of 2018 to set aside the exparte order. Further, the learned Counsel submitted that the petitioner has also filed applications in I.A.No.1770 of 2019 to direct the second respondent herein to furnish the particulars of the property owned by the respondents 3 and 4/defendants 1 and 2 enabling them to take necessary legal action against the other properties and I.A.No.1771 of 2019 to permit the petitioner bank to implead the subsequent purchasers as defendants 4 to 8 in the Original Application.

3. Further, the learned Counsel for the petitioner submitted that though the applications were filed long back, the Tribunal has not disposed of the same yet. In these circumstances, the learned Counsel submitted that it would be suffice to direct the Debts Recovery Tribunal, Madurai, to dispose of the above mentioned three applications within a time frame.

4. Having regard to the submissions made by the learned Counsel for the petitioner and taking into consideration the limited prayer sought for by them, without expressing any opinion with regard to the merits of the case, we direct the Debts Recovery Tribunal, Madurai, to dispose of the applications in I.A.Nos.1011 of 2018, 1770 of 2019 and 1771 of 2019 filed in O.A.No.680 of 2016, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. With these observations, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

rsb



W.P (MD) No.25983 of 2019

To
The Registrar,
Debts Recovery Tribunal,
Madurai.

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+1CC TO MR.P.PETHU RAJESH, Advocate Sr. No. 103717

W.P (MD) No.25983 of 2019

and

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05.12.2019

SE (CO)

TR(09.12.2019) 3P 3C