

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.08.2020

CORAM THE HON'BLE MR.JUSTICE M.M.SUNDRESH

and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

C.R.P.No.1181 of 2020

K.Swaminathan,
Rep. By Next Friend and Wife
Mrs.Vasumathi,
NO.20, GRD Lay Out, Robertson Road,
R.S.Puram, Coimbatore 641 002. Petitioner

Vs.

The Authorized Officer,
City Union Bank,
Administrative Office,
24-B, Gandhi Nagar,
Kumbakonam 612 001. Respondents

Civil Revision Petition filed under Article 227 of The Constitution of India, praying for a direction to the Debts Recovery Tribunal, Coimbatore, to dispose of the application in S.A.No.164 of 2020 filed by the petitioner as expeditiously as possible.

For Petitioner .. Mr.A.N.Rajan

For Respondent .. Mr.R.Sivaraman

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Upon hearing the counsels, it appears that there is a subsequent development by way of auctioning the property though the petitioner

appears to be still in possession of the same. The aforesaid sale was also challenged by the petitioner which is yet to be numbered.

2. In such view of the matter, we only grant an order of status quo for a period of two weeks from the date of receipt of a copy of this order so as to enable the petitioner to pursue the subsequent application filed which is yet to be numbered and get appropriate interim orders in pending application in S.A.No.164 of 2020. Since it is only an interim arrangement, we make it clear that the Debts Recovery Tribunal shall consider the entire matter including the interim order sought for on its own merits without being influenced by the order of status quo granted by this court.

With the above directions, this civil revision petition stands disposed of. No costs.

(M.M.S., J.) (R.H., J.)
13.08.2020

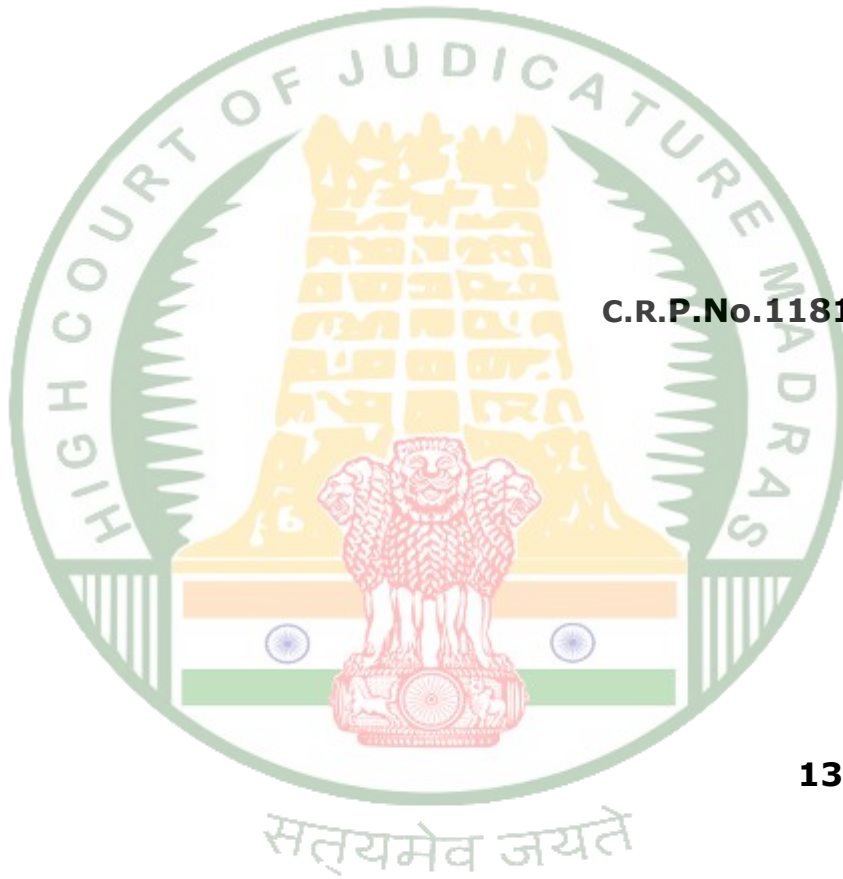
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and
R.HEMALATHA.,J.**

(Order of the Court was made by M.M.Sundresh,J.)

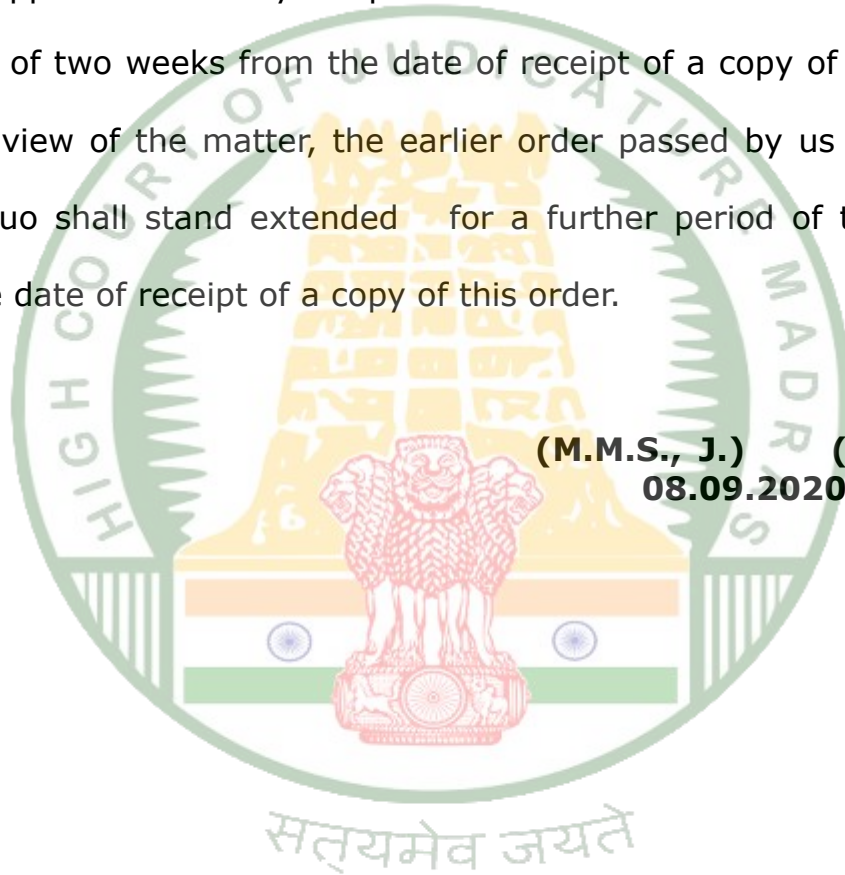
This Civil Revision Petition stands posted under the caption "for being mentioned" at the instance of the learned counsel for the petitioner, who made a grievance before us that notwithstanding the order passed by this Court on 13.08.2020, the Tribunal has not taken up the interim application pending in S.A.No.164 of 2020. The petitioner has also filed another application challenging the auction notice, which was also directed to be numbered and posted in the month of October, 2020. In the meanwhile, there is a threat of dispossession as the interim order granted by this Court got expired.

2.We have granted the interim order only to facilitate the petitioner to get appropriate orders based upon the relevant materials before the Debts Recovery Tribunal. Whether the petitioner is entitled for protective order or not is to be considered by the Tribunal. However, the Tribunal is expected to take up the interim application, which is pending at the instance of the petitioner, in tune with the

earlier order passed by us instead of adjourning the application after directing it to be numbered and posted for hearing in the month of October, 2020. Therefore, while clarifying our earlier order passed, we specifically direct the Debts Recovery Tribunal to dispose of the interim application filed by the petitioner in S.A.No.164 of 2020 within a period of two weeks from the date of receipt of a copy of this order. In such view of the matter, the earlier order passed by us by way of status quo shall stand extended for a further period of two weeks from the date of receipt of a copy of this order.

(M.M.S., J.) (R.H., J.)
08.09.2020

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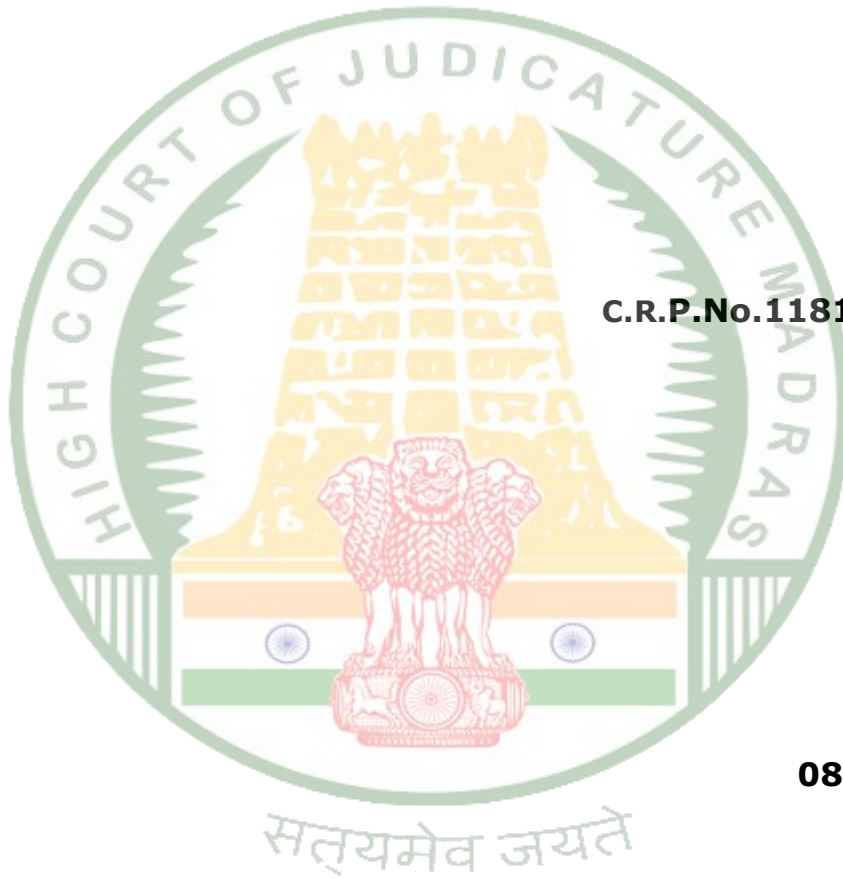


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