

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

C.R.P.No. 1412 of 2020
and C.M.P.No.8165 of 2020

S.Anand Kumar

... Petitioner

Vs

1.The Authorised Officer,
M/s.Central Bank of India
Chennai Main Branch
rep. By its Chief Manager Ramachandran,
No.11, Second Line Beach Road,
Chennai - 1.

2.M/s.Krishna Constructions
rep. By its Proprietrix S.Mani

3.S.Mani

4.S.Malliga

5.K.Asai Thambi

... Respondents

Civil Revision Petition filed under Article 227 of the
Constitution of India against the order dated 15.06.2020 in
S.A.No.229 of 2019 on the file of the Debts Recovery Tribunal I,
Chennai.

For Petitioner ... Mr.A.Joseph Dorairaj

For Respondents .. Mr.M.L.Ganesh for R1
Mr.K.V.Muthukrishnan
for R5
No appearance
for R2 to R4

ORDER

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

The petitioner, who claims to be a tenant, has come forward
to file this Revision Petition notwithstanding the undertaking

given before the Debts Recovery Tribunal on the premise that at the time of filing the appeal, Presiding Officer, Debts Recovery Appellate Tribunal was not available.

2.Learned counsel appearing for the petitioner submitted that the petitioner is a tenant, the same is seriously disputed by the learned counsel appearing for the first respondent.

3.Learned counsel appearing for the first respondent submitted that as per the finding of the DRT, the petitioner has been set up by the borrower. The petitioner has given an undertaking to handover the possession. Even thereafter, he did not handover the same.

4.Learned counsel appearing for the auction purchaser submitted that even as per the affidavit filed, the petitioner is not in possession.

5.Learned counsel appearing for the petitioner submitted that the petitioner may be given two months' time to hand over vacant possession.

6.Though we do not find any merit in this petition, we are inclined to give a final opportunity to the petitioner to hand over the possession. Accordingly, the petitioner shall hand over the possession on or before 09.11.2020.

7.We make it clear that if the undertaking given by the learned counsel for the petitioner on behalf of the petitioner is not complied with atleast now, then the respondents are at liberty to take forcible possession with the aid of the police. The petitioner shall also file an affidavit of undertaking in tune with the submission made by the learned counsel appearing for the petitioner on or before 25.09.2020.

8.With the above observation, the Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Post the matter 'for reporting compliance' on 11.11.2020.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Authorised Officer,
M/s.Central Bank of India
Chennai Main Branch
rep. By its Chief Manager
No.11, Second Line Beach Road,
Chennai - 1.
- 2.The Debts Recovery Tribunal,
Chennai.
- 3.The Debts Recovery Appellate Tribunal,
Chennai.

C.R.P.No.1412 of 2020

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srg 24/09/2020



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