



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

C.R.P.No.1570 of 2021

1. M/s.Dart Tex
rep. by its Partner, S.K.Thangamuthu
S/o.Kaithamalai
4/58, Nadupatti PO
Vijayamangalam, Avinashi Taluk
Tirupur - 638 056.

2. S.K.Thangamuthu ...Petitioners/Petitioners
Vs.

The Authorised Officer
Karnataka Bank Limited
Asset Recovery Management Branch
No.324, Ground Floor
Thanbu Chetty Street
Chennai - 600 001.

...Respondent/ Respondent

Prayer: Petition under Article 227 of the Constitution of India against the order dated 7.7.2021 made in I.A.No.1616 of 2021 in S.A.No.379 of 2021 on the file of the Debts Recovery Tribunal, Coimbatore.

For the Petitioners : Mr.R.Selvakumar

For the Respondent : Mr.Elayarajakumar
for M/s.Ramalingam and
Associates

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The matter was previously adjourned on August 18, 2021 since the Debts Recovery Tribunal, Coimbatore had adjourned the petitioners' proceedings under Section 17 of the Securitisation



and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to August 27, 2021.

2. The respondent secured creditor has produced a recording of the order passed by the Debts Recovery Tribunal, Coimbatore on August 27, 2021. It appears that the petitioners herein were not represented before the tribunal and it was submitted on behalf of the secured creditor that the property had already been sold and the sale certificate had also been issued in favour of the auction-purchaser. The details of the auction-purchaser were furnished to the tribunal. The order expressly records that the petitioners herein were absent and not represented.

3. At any rate, the order sought by the petitioners cannot be granted in this extraordinary jurisdiction, particularly since the specific proceedings in such regard are pending before the appropriate forum.

4. C.R.P.No.1570 of 2021 is disposed of by without interfering with the impugned order. It will be open to the petitioners to work out their remedies before the Debts Recovery Tribunal, Coimbatore. C.M.P.No.12233 of 2021 is closed.

There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Authorised Officer
Karnataka Bank Limited
Asset Recovery Management Branch
No.324, Ground Floor, Thanbu Chetty Street
Chennai - 600 001.
2. The Debts Recovery of Tribunal,
Coimbatore.

C.R.P.No.1570 of 2021

BS(CO)
NSK 08/09/2021