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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.22918 of 2021

1.M/s.Nivas Fabs,

A partnership firm Constituted under
the Indian Partnership Act, 1932,
No.85, Moongappaadi Street,
Gugai, Salem - 636 006,
Tamil Nadu.

2.S.Seetharaman

3.S.Murugaraj

4.Suseela

.. Petitioners

Vs

1.The Presiding Officer,

The Debts Recovery Tribunal,
2nd and 3rd Floors, Jawans Bhavan,
27, T.B.Road,
Coimbatore - 641 018.

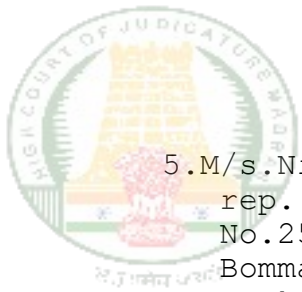
2.The Recovery Officer,

The Debts Recovery Tribunal,
2nd and 3rd Floors, Jawans Bhavan,
27, T.B.Road,
Coimbatore - 641 018.

3.City Union Bank Ltd.,

Salem Branch,
rep. by its POA,
No.98,99,100 ARA Complex,
Arunachalaachari Street,
New Old Bus Stand, Salem,
Tamil Nadu - 636 001.

4.S.Venugopal



5.M/s.Nivas Exports,
rep. by its Partners,
No.25(A) & 26(A), Bommasandra Industrial Estate,
Bommasandra 1st stage,
Anekal Taluk,
Bangalore - 560 099.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to expeditiously hear I.A.No.1413/2018 in OA. 01/2013 pending on the file of Respondent No.1 and to stay all further proceedings in O.A.No.01 of 2013 Respondent No.1 till the disposal of the I.A.No.1413 of 2018.

For the Petitioners : Mr.Ricky Chopra
for Mr.Haja Mohideen
Shaffeeek

ORDER

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

The petition is completely misconceived.

2. The petitioners seek an interim stay of the recovery proceedings pending the petitioners' challenge before the appropriate Debts Recovery Tribunal in Coimbatore.

3. According to the petitioners, the Recovery Officer is to pronounce judgment on October 25, 2021 but the further proceedings of the petitioners before the tribunal are scheduled to be taken up later.

4. No ground is made out for the extraordinary prayer or for even invoking this jurisdiction except that an immovable property may be directed to be sold or possession thereof may be directed to be made over by the Recovery Officer and an 80-year old lady stays in such building. Such ground is no reason to interfere with the process. The petitioners, including the 80-year old lady, should have arranged their affairs so that things would not have come to such a pass.

5. W.P.No.22918 of 2021 is dismissed. However, this order will not prevent the petitioners from pursuing the proceedings before the tribunal in accordance with law. It is made clear that there will be no impediment in the Recovery Officer pronouncing judgment in the relevant recovery proceedings.



W.M.P.Nos.24124 and 24125 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-V)

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Sub Assistant Registrar

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To:

- 1.The Presiding Officer,
The Debts Recovery Tribunal,
2nd and 3rd Floors, Jawans Bhavan,
27, T.B.Road,
Coimbatore - 641 018.
- 2.The Recovery Officer,
The Debts Recovery Tribunal,
2nd and 3rd Floors, Jawans Bhavan,
27, T.B.Road,
Coimbatore - 641 018.
- 3.City Union Bank Ltd.,
Salem Branch,
No.98,99,100 ARA Complex,
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Tamil Nadu - 636 001.

W.P.No.22918 of 2021

PPA(CO)
CB(27/10/2021)