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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.R.P. (MD)No.1495 of 2019

and

C.M.P (MD)No.7893 of 2019

P.R.Rajendran

... Petitioner/Petitioner/
Applicant

Vs.

1.The South Indian Bank Limited,
Sakkimangalam Branch,
Rep. by its Branch Manager/
Authorized Officer,
No.4/135, Meenachi Nagar,
Sourashtra Colony,
Sakkimangalam,
Madurai District.

2.The Authorized Officer,
The South Indian Bank Limited,
Madurai Regional Office,
No.3, LIC Building,
West Marret Street,
Madurai - 625 001.

... Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the constitution of India to set aside the order passed in I.A.No.703 of 2019 in S.A.No.210 of 2019 dated 22.06.2019 on the file of the Debts Recovery Tribunal, Madurai.

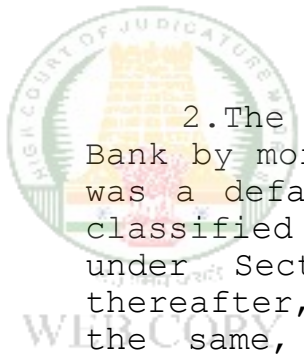
For Petitioner
For Respondent

: Mr.G.Kasinathadurai
: Mr.K.Muraleetharan

ORDER

[Order of the Court was made by **PUSHPA SATHYANARAYANA,J.**]

Challenging the order, dated 22.06.2019, passed in I.A.No.703 of 2019 in S.A.No.210 of 2019, on the file of the Debts Recovery Tribunal, Madurai, the applicant as revision petitioner has preferred the present Civil Revision Petition.



2.The revision petitioner is a borrower from the respondents-Bank by mortgaging the property described in the schedule. As there was a default in re-payment of the loan, the respondents-Bank had classified the loan as 'non-performing assets' and issued a notice under Section 13(2) of the SARFAESI Act, on 07.12.2018 and thereafter, possession notice was issued on 11.03.2019. Aggrieved by the same, the revision petitioner had preferred an appeal in S.A.No.210 of 2019 before the Debts Recovery Tribunal, Madurai and along with the same, I.A.No.703 of 2019 was filed for stay of further proceedings to the possession notice, dated 11.03.2019. The said I.A was allowed on 08.04.2019, on condition that the revision petitioner to pay a sum of Rs.3,76,000/- directly to the first respondent-Bank on or before 08.05.2019 as first installment and another sum of Rs.3,76,000/- directly to the first respondent-Bank on or before 07.06.2019 as second installment, with a default clause. The first installment of Rs.3,76,000/- was paid within the stipulated time, however, the revision petitioner could not mobilize the amount for the payment of the second installment. Therefore, he had filed an application in I.A.No.1113 of 2019 seeking extension of time by one month for making the payment of the second installment. The Debts Recovery Tribunal, Madurai, also considered the case of the revision petitioner and granted two weeks time for payment of the second installment. Even thereafter, the revision petitioner failed to pay the second installment and filed yet another application in I.A.No.1224 of 2019 seeking further extension of time. As the conditional order passed by the Debts Recovery Tribunal, Madurai in I.A.No.703 of 2019 was not complied with, inspite of extending the time for payment of second installment, the stay petition was dismissed. Aggrieved by the same, the above Civil Revision Petition is filed.

3.When the matter is taken up for hearing, the learned counsel appearing for the revision petitioner would represent that the second installment was paid on 19.01.2021 though belatedly and also produced the pay in slip along with a memo, dated 19.01.2021.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.As the second installment is also paid, as directed by the Debts Recovery Tribunal, Madurai, though with a delay, the same is accepted and as such, there will be an order of stay of further proceedings pursuant to the possession notice, dated 11.03.2019. However, the Debts Recovery Tribunal, Madurai is directed to dispose of the appeal in S.A.No.210 of 2019 within a period of two months, however, not beyond 31.03.2021. The revision petitioner herein is directed to file a reply statement within two weeks from the date of receipt of a copy of this order.



6. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Crl Side)

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Debts Recovery Tribunal,
Madurai.

2. The Section Officer, V.R Section (Records),
Madurai Bench of Madras High Court,
Madurai. (2c)

C.R.P (MD) No.1495 of 2019
21.01.2021

ES (CO)
KK (09.02.2021) 3P 4C