



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)No.14091 of 2020

A.Ramamoorthy

...Petitioner

Vs.

The Authorised Officer,
UCO Bank,
K.K.Nagar Branch,
401, East 9th Street,
K.K.Nagar,
Madurai - 625 020.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Debts Recovery Tribunal, Madurai to number the Securitisation appeal filed by the petitioner in SR.No.4741 along with I.A.SR.Nos.4742 and 4743 and to decide the same on merits.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.PT.S.Narendravasan

O R D E R

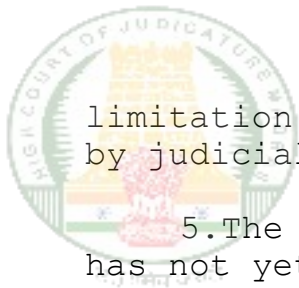
(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the Debts Recovery Tribunal, Madurai to number the Securitisation Appeal filed by the petitioner in SR.No.4741 along with I.A.SR.Nos.4742 and 4743 and to decide the same on merits.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Petitioner, who is the borrower, had filed a SARFAESI Appeal before the Debts Recovery Tribunal, Madurai challenging the e-auction held on 02.04.2020 and the sale certificate issued pursuant to the e-auction on 05.06.2020.

4.The main contention of the Writ Petitioner is that in view of the lock-down declared in the month of March 2020, the



limitation period was suspended by the Hononourable Supreme Court, by judicial orders.

5.The grievance of the Petitioner is that the SARFAESI Appeal has not yet been numbered, in view of the point of limitation.

6.When the matter is taken up for hearing today, the learned counsel appearing for the Petitioner prayed this Court that the SARFAESI Appeal may be numbered and an opportunity of hearing being given to the Petitioner, before passing orders.

7.In view of the above submission, we direct the Debts Recovery Tribunal, Madurai to number the SARFEASI Appeal filed by the Petitioner, which was earlier returned, within a period of two weeks from the date of receipt of a copy of this order and thereafter, to allow the respondent to raise the question of limitation as a preliminary issue, within a period of four weeks thereafter.

8.With the above directions, the Writ Petition stands disposed of . No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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
The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-38697[F] dated 14/12/2021)

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-38646[F] dated 14/12/2021)

W. P (MD) No. 14091 of 2020

13.12.2021