



WEB COPY

C.R.P(PD)(MD)NO.1147 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.R.P(PD) (MD)NO.1147 OF 2020

1.Blessymol

2.Priyamol

:Revision Petitioners/Applicants

.vs.

1.The Authorized Officer,
State Bank of India,
Vadaseri Branch,
Nagercoil,
Kanyakumari District.

2.Leely Pushpam

3.Alexander

:Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the constitution of India praying this Court to set aside the rejection order made in S.A.SR.No.3464 of 2020, dated 9.9.2020, on the file of the Debt Recovery Tribunal, Madurai and to direct the Debt Recovery Tribunal, Madurai to number the S.A.SR.No.3464 of 2020 and to dispose of the SARFEASI Appeal as per law.

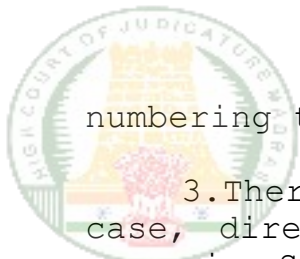
For Petitioner : Mr.V.M.Balamohan Thambi

O R D E R

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

This Civil Revision Petition is directed against the order passed by the Debt Recovery Tribunal, Madurai rejecting the application of the petitioner filed under Section 17(1) of SARFAESI Act.

2.The Petitioner has sought for to set aside the sale notice dated 28.2.2020 issued by the first respondent/Bank. The petitioner is a third party. It is now stated that the sale was not proceeded with pursuant to the sale notice. There seems to be some disputes with regard to the title to the property, which is brought to sale and there are civil suits pending in this regard. The Debt Recovery Tribunal, Madurai has passed an order on merits, even without



numbering the SARFAESI Appeal, which is in SR stage.

3. Therefore, this Court, without going into the merits of the case, directs the Debt Recovery Tribunal, Madurai to number the case in S.A.SR.No.3464 of 2020 and pass orders on merits after affording an opportunity of hearing to the Petitioner as well as to the respondents herein. In view of the above order, the order already passed by the Debt Recovery Tribunal, Madurai in S.A.SR.No.3464 of 2020, dated 9.9.2020 is set aside. The Debt Recovery Tribunal, Madurai is also directed to dispose of the above SARFAESI Appeal within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above directions, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// 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,
Debt Recovery Tribunal, Madurai.

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-169[F] dated 06/01/2021)

ORDER MADE IN
C.R.P (PD) (MD) NO.1147 OF 2020
05.01.2021

SV2 (CO)
TR(20.01.2021) 2P 4C