



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD)No.1617 of 2021

and

CMP (MD)No.8754 of 2021

1.B.Muthukumar

2.K.Devaki

... Petitioners / Respondents /
Defendants

Vs.

1.Indian Overseas Bank,
Thillai Nagar Branch,
Tiruchirappalli - 620 018
Rep.by its Chief Manager,

...1st Respondent / Petitioner /
Appellant

2.The Manager,
Life Insurance Corporation of India
Pattukottai,
Thanjavur District.

3.The Headmaster,
The High School,
Thiruvanaikoil,
Sannathi Street,
Tiruchirappalli - 620 005.

... Respondents 2 and 3 /
Respondent Nos.3 & 4 / Nil

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A.No.2457 of 2016 in O.A.No.1210 of 2016, dated 29.12.2018, on the file of the Debt Recovery Tribunal, Madurai.

For Petitioner : Mr.A.Haja Mohideen
For Respondent-1 : Mr.Siva Shankar
For Respondent-2 : Mrs.R.Malathy

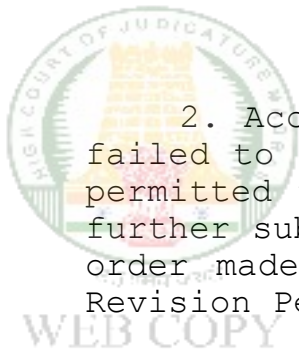
O R D E R

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

The Civil Revision Petition has been filed challenging the order made in I.A.No.2457 of 2016 in O.A.No.1210 of 2016, dated 29.12.2018, on the file of the Debt Recovery Tribunal, Madurai.



2. According to the petitioners, the Debt Recovery Tribunal has failed to look into Section 60(1)(i) of CPC., and ought not to have permitted the Bank to recover the salary beyond 24 months. It is further submitted that O.A. itself has been disposed of and that the order made in I.A. gets merged with O.A. and therefore, the Civil Revision Petition is maintainable.

3. We have heard the learned counsels appearing on either side and perused the materials on record.

4. On two counts, we are not inclined to entertain this Civil Revision Petition. Firstly, the Revision is not maintainable, in view of an alternative remedy available to the petitioners before the Debt Recovery Appellate Tribunal. Secondly, when Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, provides for appellate remedy and that the appellate Tribunal has got powers to grant interim orders, this Court, on that score also, is not inclined to interfere with the orders passed by the Debt Recovery Tribunal, Madurai. Since the petitioners have got an efficacious alternative remedy before the Debt Recovery Appellate Tribunal, bypassing such alternative remedy, is not acceptable.

5. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed. The petitioners are to workout their remedy before the appropriate forum.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

To

The Debt Recovery Tribunal,
Madurai.

+1 CC to M/s.M. MALATHY, Advocate (SR-34818[F] dated 17/11/2021)

+1 CC to M/s.SHVSHANKER, Advocate (SR-34898[F] dated 18/11/2021)

ORDER MADE IN

C.R.P (MD)No.1617 of 2021

17.11.2021

MA (CO)

GC(13.12.2021) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>