



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD) .No.1464 of 2021

and

C.M.P. (MD) .No.8168 of 2021

Anita Britto
represented by her power agent
Mr.G.Charles Arokiaraj,
S/o.Mr.L.Gnanaraj,
No.20, Thondiaianan Colony,
Krishnainoorthy Nagar Extn,
K.K.Nagar,
Tiruchirapalli 620 021.

... Petitioner/Petitioner

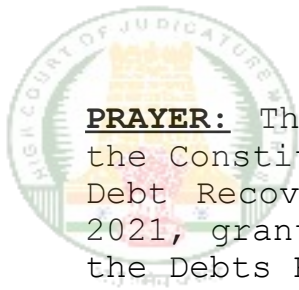
-vs-

1.The Authorised Officer,
The State Bank of India,
Raja Plaza, 1st Floor,
No.1112, Avinashi Road,
Coimbatore.

2.M/s.Raja Enterprises,
Old No.125, New No.130,
West Boulevard Road,
Trichy 620 008.

3.L.Gananaraj
4.G.rajakumar Arokiaraj
5.G.Ranson Thomas Arokiaraj
6.Smt.Isabella
7.Smt.Joy Josephine
8.Smt.Rubina Sumathi
9.Smt.Priya Arokiaraj
10.Sri.A.Vadivel
11.Sri.A.Abdul Gaffur
12.Sri.D.Rajendran
13.Sri.S.Rajabharathi

... Respondents



PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside and reverse the order of the Debt Recovery Tribunal, Dated:26.08.2021 Madurai in I.A.No.1258 of 2021, granting time for counter in S.A.No.70 of 2021, on the file of the Debts Recovery Tribunal, Madurai.

WEB COPY

For Petitioner : Mr.S.Vijayakumar
for M/s. Ananda Gomathy Murugesan

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

The Civil Revision Petition has been filed against the order passed by the Debts Recovery Tribunal, Madurai, issuing notice in an application filed by the petitioner, seeking for interim injunction, restraining the respondents from interfering with the possession of the petitioner.

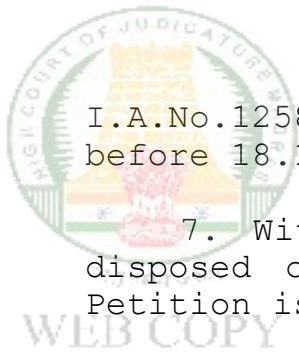
2. Mr.S.Vijayakumar, the learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property. Earlier, she has given a power of attorney in favour of one Gunasekaran, and the power of attorney misused the power, and mortgaged the same. Later, without issuing any notice to the petitioner, the property was brought for auction. Now, pursuant to the auction sale, the respondent Bank is taking further proceedings. In such circumstances, the petitioner has filed an application under Section 17 of the SARFAESI Act, to set aside the auction sale. Pending the same, he sought for an interim injunction restraining the respondent Bank from interfering with her peaceful possession and enjoyment of the property.

3. In the above application, the Debts Recovery Tribunal, without granting interim injunction, ordered notice. Now, challenging the same, the present Civil Revision Petition has been filed.

4. Mr.S.Vijayakumar, the learned counsel appearing for the petitioner would fairly submit that, though the petitioner sought for larger relief, he will be satisfied, if the Debts Recovery Tribunal is directed to dispose of the application, within a time frame as fixed by this Court.

5. Considering the nature of the order being passed in this writ petition, which will cause no prejudice to the respondent Bank. Hence, notice to the respondent Bank is dispensed with.

6. Considering the limited prayer sought for by the petitioner, this Court, without going into the merits of the matter, directs the Debts Recovery Tribunal, Madurai, to dispose of the application in



I.A.No.1258 of 2021, on merits and in accordance with law, on or before 18.10.2021, after hearing all the parties,

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 Authorised Officer,
The State Bank of India,
Raja Plaza, 1st Floor,
No.1112, Avinashi Road,
Coimbatore.

2.The Debt Recovery Tribunal,
Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-30687[F] dated 29/09/2021)

ORDER MADE IN
C.R.P. (MD) .No.1464 of 2021
28.09.2021

GC(04.10.2021) 3P 4C