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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P. Nos.3908 & 3911 of 2022
and W.M.P. Nos. 4055, 4057 & 4060 of 2022

M/s. Encore Asset Reconstruction Company
Private Limited,
Represented By its Authorized Officer,
Mr.B.M. Nagaraju,
No.101, Executive Zone,
Shakthi Tower 1, Ground Floor,
766, Anna Salai,
Chennai - 600 002.

...Petitioner in both WPs

vs.

1. M/s. Vivekananda Coffee Company,
Represented by its Sole Proprietor, Mr.N.Srinivasan,
No.24, Shivaji Street, T.Nagar,
Chennai - 600 017.

...1st Respondent in both WPs

2. N. Srinivasan

3. Mrs. Kalaivani Srinivasan

4. N. Vijaya

...Respondents 2 to 4 in W.P.No.3908/2022

Indian Bank,
No.7, Prakasam Raod,
T.Nagar,
Chennai - 600 017.

...2nd Respondent in W.P.No.3911/2022

Debt Recovery Tribunal - II,
6th Floor, Shastri Bhavan,
Additional Office Building,



26, Haddows Road,
Nungambakkam, Chennai - 600 006.
Represented by its Presiding Officer

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.. 5th Respondent
in W.P.No.3908/2022

and 3rd respondent in W.P.No.3911/2022

W.P.No.3908/2022: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the order dated 30.05.2019 passed by the 5th respondent in proceedings in O.A.No.129 of 2012 and quash the same and consequently direct the 5th respondent to restore the final order dated 05.12.2012 passed by the 5th respondent in O.A.No.129 of 2012.

W.P.No.3911/2022: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the order dated 17.12.2018 passed by the 3rd respondent in S.A.No.161 of 2018 and quash the same.

For Petitioner : Mr. Sathyanarayanan (in both Wps)

COMMON ORDER

(Order of the Court made by M.DURAI SWAMY, J.)

W.P.No.3908 of 2022 has been filed by the petitioner to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 30.05.2019 passed by the Debt Recovery Tribunal - II, Chennai, made in O.A.No.129 of 2012, to quash the same and consequently directing the Debt Recovery Tribunal to restore the final order dated 05.12.2012 made in O.A.No.129 of 2012.

2. W.P.No.3911 of 2022 has been filed by the petitioner to issue a Writ of Certiorari to call for the records in respect of the order dated 17.12.2018 passed by the Debt Recovery Tribunal - II, Chennai, in S.A.No.161 of 2018 and to quash the same.

3. When the Writ Petitions are taken up for hearing Mr.S.Sathyanarayanan, learned counsel appearing for the petitioner submitted that as against the order passed in O.A.No.129 of 2012, the petitioner has filed an appeal in R.A.No.140 of 2019 before the Debt Recovery Appellate Tribunal, Chennai and similarly, as against the order passed in S.A.No.161 of 2018, the petitioner has filed an appeal in R.A.No.15 of



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2019 and that both the appeals are pending. The learned counsel submitted that instead of going into the correctness of the order passed by the Debts Recovery Tribunal, it would be suffice to direct the Debt Recovery Appellate Tribunal, to dispose of the appeals, within a time frame.

4. Having regard to the submissions made by the learned counsel appearing for the petitioner, taking into consideration the limited prayer sought for in the Writ Petitions, without expressing any opinion with regard to the merits of the case, we direct the Debt Recovery Appellate Tribunal, Chennai to dispose of the appeals in R.A.Nos.140 of 2019 and 15 of 2019 on merits and in accordance with law, within a period of four months, from the date of receipt of a copy of this order.

With this observation, the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj
To

1. Indian Bank,
No.7, Prakasam Raod,
T.Nagar,
Chennai - 600 017.
2. The Presiding Officer,
Debt Recovery Tribunal - II,
6th Floor, Shastri Bhavan,
Additional Office Building,
26, Haddows Road,
Nungambakkam, Chennai - 600 006.

Copy to

The Debt Recovery Appellate Tribunal
Chennai

W.P. Nos.3908 & 3911 of 2022
and W.M.P. Nos. 4055, 4057 & 4060 of 2022

MT(CO)
SP(18/03/2022)