



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P.NOS.2682 AND 2686 OF 2021

P.S.Palani

.. Petitioner in both the Revisions/
Appellant

vs

1. Indian Bank,
Asset Recovery Management Branch No.II,
Circle Officer Building, Fourth Floor,
No.55, Ethiraj Salai, Chennai - 600 008
2. The Authorised Officer,
Indian Bank,
Asset Recovery Management Branch No.II,
Circle Officer Building, Fourth Floor,
No.55, Ethiraj Salai, Chennai - 600 008.

.. Respondents in CRP No.2682 of 2021/
Respondents

1. Indian Bank,
Mannady Branch, (ARMB-II),
Chennai.
2. M/s Malaysia Timber Suppliers,
No.16, Sydenhams Road,
Chennai - 600 003.
3. S.N.K.M.Shahul Hameed,
4. S.Jarina Begum

... Respondents in CRP No.2686 of 2021/
Respondents



Prayer: Petitions filed under Article 227 of the Constitution of India against the orders dated 24.09.2021 in I.A.Nos.564 and 565 of 2021 in R.A(S.A):36 of 2016 and M.A.No.647 of 2010 on the file of Debt Recovery Appellate Tribunal, Chennai.

WEB COPY

For the Petitioner : Mr.S.Sethuraman

For the Respondents : No appearance

COMMON ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The Civil Revision Petitions have been filed to challenge the orders dated 24.09.2021 passed by the Debt Recovery Appellate Tribunal, Chennai dismissing the restoration applications filed by the petitioner herein. The applications were dismissed taking note of the default of the learned counsel in appearing on 30.08.2021 and 06.09.2021. However, it is without dealing with the reasons of default given in the applications and it is also that the bank had not raised any objection for the restoration, yet, going hyper-technical, the DRAT dismissed the applications for restoration of the appeals.

2. Notice on the civil revision petitions were issued and has been served on the respondents, but they chose not to appear to contest the petitions. It may be for the reason that they did not contest even the applications for restoration before the DRAT, as no objection for restoration was raised, as is coming out from the impugned orders.

In view of the above and finding the impugned orders to be not justified in the facts and circumstances, the impugned orders are set aside with acceptance of the restoration applications. The Civil Revision Petitions are allowed with the aforesaid. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Debt Recovery Appellate Tribunal,
Chennai.
2. Indian Bank,
Asset Recovery Management Branch No.II,
Circle Officer Building, Fourth Floor,
No.55, Ethiraj Salai, Chennai - 600 008.
3. The Authorised Officer,
Indian Bank,
Asset Recovery Management Branch No.II,
Circle Officer Building, Fourth Floor,
No.55, Ethiraj Salai, Chennai - 600 008.
4. Indian Bank,
Mannady Branch, (ARMB-II), Chennai.

+2ccs to Mr.S.Sethuraman, Advocate, S.R.No.27208 & 27209

C.R.P.Nos.2682 and 2686 of 2021

SR(CO)
RLP(29/04/2022)