



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM :

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

W.P.No.27027 of 2019
and
W.M.P.Nos.26415 of 2019 and 6545 of 2022

D.Peter

..Petitioner

vs

1. M/s Kotak Mahindra Bank
Rep by its Authorised Officer/Senior Manager,
No.1054/33, Ground Floor,
Goutham Centre Annex,
Avinashi Road,
Coimbatore - 641018

2. G.Selvakkodi

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Appeal Memo (SR.No.13075/2018) filed against SA (SR)11953/2018 on the file of the Presiding Officer, Debts Recovery Tribunal, Coimbatore dated 30.01.2019 and quash the same and consequently direct the Debts Recovery Tribunal to number the SA (SR) 11953/2018.

For the Petitioner : Mr.J.R.Prabhakaran

For the Respondents : Mr.Ilayaperumal
for M/s Ramalingam & Associates
for R-1

ORDER

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

The writ petition has been filed to challenge the order dated 30.01.2019 passed by the Debts Recovery Tribunal, Coimbatore. The order aforesaid is appealable before the Debt



Recovery Appellate Tribunal. But, without taking the remedy of appeal, the writ petition has been filed without assigning any reason.

In view of the above, the writ petition is dismissed. The petitioner would be at liberty to avail the remedy, as given under law. However, this liberty should not be taken condoning the delay by this Court, rather it can be dealt with by the Debt Recovery Appellate Tribunal if the appeal is filed along with a condonation application. No costs. Consequently, W.M.P.Nos.26415 of 2019 and 6545 of 2022 are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sra

To:

The Presiding Officer,
The Debts Recovery Tribunal,
Coimbatore.

+1cc to M/s.Ramalingam & Associates, Advocate, S.R.No.34471

W.P.No.27027 of 2019

RK(CO)
RGA(17/06/2022)