



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Nineteenth day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE
AND
The Hon`ble Mrs.Justice S.SRIMATHY

WMP(MD) . No.7333 of 2022
in
WP(MD).No. 689 of 2022

1. The Chief Manager and Authorised Officer,
Stressed Assets Recovery Branch,
SBI, No.8, Dr. Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai -625020.

2. The Authorised Officer,
State Bank of India , SARB,
Madurai, Madurai District.

... Petitioners/ Respondents

Vs

K.S.Sabarikrivasan

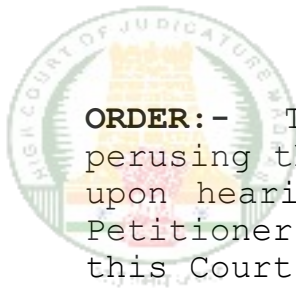
... Respondent/Petitioner

Prayer in WMP(MD) . No.7333 of 2022:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to Modify/clarify the order dated 19.01.2022 in W.P.(MD).No.689 of 2022 suitably specifically directing DRT, Coimbatore to dispose S.A.No. 582 of 2021 within a specified time period of two weeks and also permit the Petitioners/Respondents Bank to proceed further with the recovery action as the Respondent/Petitioner borrower had defaulted in complying with the conditions of deposit.

Prayer in WP(MD) . 689/ 2022 :-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned sale notice dated 14.12.2021 issued by the 1st respondent and quash the same as illegal and for a consequently direction directing the respondents to issue the statement of accounts and other particulars regarding the loan availed by the petitioner within the period that may be stipulated by this Court.



ORDER:- This Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N.Dilip Kumar, Advocate for the Petitioner and of Mr. Jerin Mathew, Advocate for the respondent, this Court made the following order:

WEB COPY [Order of the Court was made by ABDUL QUDDHOSE, J.]

This application has been filed seeking for modification/clarification of the order, dated 19.01.2022, passed in W.P.(MD).No.689 of 2022.

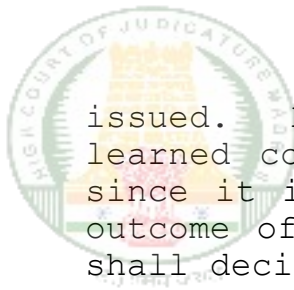
2. Heard Mr.N.Dilip Kumar, the learned Standing Counsel for the petitioners and Mr.Jerin Mathew, the learned counsel appearing for the respondent.

3. The petitioners have stated in the affidavit that S.A.No.582 of 2021 has not been disposed of till date, despite a direction given by this Court on 19.01.2022 in W.P.(MD).No.689 of 2022. In the earlier order, dated 19.01.2022, six weeks time was granted to the Debt Recovery Tribunal, Coimbatore to dispose of the S.A.No.582 of 2021.

4. The applicant bank has also stated that the respondent has not complied with the conditional order as imposed by this Court on 19.01.2022 in W.P.(MD).No.689 of 2022. The same was also admitted by the learned counsel for the respondent. In the earlier order, dated 19.01.2022, the respondent bank was directed not to confirm the sale and made it clear that it would be subject to the outcome of the S.A.No.582 of 2021.

5. The learned counsel for the petitioners submits that since the respondent has not complied with the condition as imposed in the order, dated 19.01.2022, the direction given to the bank not to confirm the sale will not arise now. He would also submit that it was made clear in the order, dated 19.01.2022, that if the respondent fails to comply with the direction, the applicant bank will be entitled to take any further action in the manner known to them under law. Having not complied with the conditional order, he would submit that the applicant bank must be permitted to confirm the sale and need not wait for the outcome of S.A.No.582 of 2021, pending on the file of the Debt Recovery Tribunal. However, the contention of the learned counsel for the petitioners is disputed by the learned counsel for the respondent. He would submit that the respondent has got a fair chance of success in S.A.No.582 of 2021.

6. Insofar as the first contention raised by the petitioners namely seeking for early disposal of S.A.No.582 of 2021 is concerned, the learned counsel for the respondent has not raised any objection. This Court is of the considered view that it would not prejudice the interest of any of the parties, if such a direction is



issued. However, insofar as the second contention raised by the learned counsel for the petitioners as stated above is concerned, since it is vehemently opposed, the petitioners shall wait for the outcome of S.A.No.582 of 2021 and depending upon the said outcome, shall decide as to whether the sale can be confirmed or not.

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7. For the foregoing reasons, this Court is inclined to dispose of this application by directing the Debt Recovery Tribunal, Coimbatore, to dispose of S.A.No.582 of 2021, within a stipulated time to be fixed by this Court.

8. Since the files pertaining to the S.A.No.582 of 2021, are lying with Debt Recovery Tribunal, Madurai, before which, the respondent had filed the application and since no Presiding Officer is available as of now, the Debt Recovery Tribunal, Madurai, is directed to transfer the files in S.A.No.582 of 2021 to the Debt Recovery Tribunal, Coimbatore, within a period of one week from the date of receipt of a copy of this order. On receipt of the files from the Debt Recovery Tribunal, Madurai, the Debt Recovery Tribunal, Coimbatore, shall pass final orders in S.A.No.582 of 2021, within a period of six weeks, thereafter.

9. With the aforesaid directions, this writ miscellaneous petition is disposed of.

Sd/-

Vacation Officer/
Assistant Registrar(CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

1. THE PRESIDING OFFICER,
DEBTS RECOVERT TRIBUNAL, MADURAI.
2. THE PRESIDING OFFICER,
DEBTS RECOVERT TRIBUNAL, COIMBATORE.



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WMP(MD). No.7333 of 2022

ORDER DATED : 19/05/2022

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ORDER

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WMP(MD) . No.7333 of 2022

in

WMP(MD) . No.7333 of 2022

Giving direction and etc.
as stated within.

se (CO)

TR(31.05.2022) 4P 3C