



WEB COPY

W.P.(MD)No.11066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.11066 of 2022

M/s.Zubana Leathers Private Limited,
represented by its Managing Director,
M.Kaja Nazumudeen,
Dindigul-624 002.

... Petitioner

Vs.

1.The Chief Manager,
Canara Bank, Salai Road, Dindigul.

2.The Authorized Officer,
Canara Bank, Asset Recovery Management Branch,
St.Mary's Campus, Circle Office Building 1st Floor,
East Veli Street, Madurai - 625 001.

3.Nazeer @ Nazeer Hussain
4.Jaffar @ Jaffar Sathick

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the learned Debts Recovery Tribunal, Madurai District to dispose the petition in S.A.No.238/2021 pending on the file of the learned Debts Recovery Tribunal, Madurai District within a time frame that may be fixed by this Court.

For Petitioner :Mr.C.M.Arumugam
For R1 and R2 :Mr.C.Deepak

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed to direct the learned Debts Recovery Tribunal, Madurai District to dispose the petition in S.A.No.238 of 2021 pending on the file of the learned Debts Recovery Tribunal, Madurai District within a time frame that may be fixed by this Court.

2.Heard Mr.C.M.Arumugam, learned Counsel for the petitioner and Mr.C.Deepak, learned Counsel, who accepts notice for the respondents 1 and 2.

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3.The learned Counsel for the petitioner submits that this Court may transfer the petition in S.A.No.238 of 2021 pending on the file of the Debts Recovery Tribunal, Madurai to Debts Recovery Tribunal, Coimbatore, so that the SARFAESI Appeal filed by the petitioner will be heard and disposed of on merits within a time that may be fixed by this Court. Both the learned Counsels have admitted that there is no Presiding Officer for the Debts Recovery Tribunal, Madurai.

4.The learned Counsel for the respondents 1 and 2 has admitted that this Court had earlier passed similar orders and therefore, he has no serious objection for issuing a direction, as requested by the learned Counsel for the petitioner.

5.Having regard to the submissions made by the learned Counsels on either side, this Court is inclined to pass the following order:

5.1.The proceedings in S.A.No.238 of 2021 pending on the file of the Debts Recovery Tribunal, Madurai is withdrawn and transferred to Debts Recovery Tribunal, Coimbatore, who shall consider and dispose of S.A.No.238 of 2021 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. The Debts Recovery Tribunal, Coimbatore, may also pass interim orders to protect the interest and rights of the parties during the pendency of the proceedings.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Presiding Officer,
Debts Recovery Tribunal, Maddurai.

2.The Presiding Officer,
Debts Recovery Tribunal, Coimbatore.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-25223[F] dated 10/06/2022)

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09.06.2022

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