



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(MD)No.2106 of 2021
and
C.M.P(MD)No.11153 of 2021

Navamani

... Petitioner/Appellant

Vs.

The Authorized Officer,
Canara Bank,
Nazareth Branch,
Nazareth,
Tuticorin District.

... Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the Debts Recovery Tribunal, Madurai in S.A(SR)No.8466 of 2021, dated 16.12.2021 and direct the Debts Recovery Tribunal, Madurai to number the SARFAESI Application and dispose the same on merits and allow the present Civil Revision Petition.

For Petitioner : Mr.R.Subramanian
For Respondent : Mr.N.Dilip Kumar

ORDER

[Order of this Court was made by DR.G.JAYACHANDRAN,J.]

The conditional order passed by this Court, dated 23.12.2021 has not been complied with.

2. The learned counsel for the petitioner state that the principal borrower, who is the son of the petitioner, died and the auction proceedings initiated against the dead person.

3.It is now stated by the learned counsel for the respondent/Bank that the auction scheduled on 31.12.2021 did not fructify since there was no bidder. In the above said subsequent development, this Court finds that there is no purpose in keeping



the Civil Revision Petition pending and it is always open to the petitioner herein to clear the due before the next auction and retain the property, if she so desires.

4. If the principal borrowed is dead, his mother, the petitioner herein is directed to furnish the particulars of the legal heirs of her son within a period of one week from the date of receipt of a copy of this order for the Bank to take appropriate steps for recovery.

5. With this observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am

To

The Presiding Judge,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-2686[F] dated 27/01/2022)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-2703[F] dated 27/01/2022)

C.R.P(MD)No.2106 of 2021
27.01.2022

MGJ(10.02.2022) 2P 4C