



W.P.(MD) No.26089 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 19.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.26089 of 2022**

Muthoot Housing Finance Company Ltd.,

Rep. by its Authorized Officer,

TC No.14/2074-7, Muthoot Centre,

Punnen Road, Thiruvananthapuram-695 034.

... Petitioner

**-Vs-**

Umamaheswari

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Debts Recovery Tribunal, Madurai to transfer any other DRT and dispose of I.A.No.1263 / 2017 as well as S.A.No.246 / 2017 pending on the file of the Debts Recovery Tribunal, Madurai, within the stipulated time fixed by this Court.

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For Petitioner : Mr.D.Sathyaraj

For Respondent : No Appearance

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition is filed, seeking issuance of a Writ of Mandamus, to direct the Debts Recovery Tribunal, Madurai to transfer the appeal to any other DRT and dispose of I.A.No.1263 / 2017 as well as S.A.No.246 / 2017 pending on the file of the Debts Recovery Tribunal, Madurai, within the stipulated time fixed by this Court.

2.According to the petitioner Finance Company, the respondent is the defaulter of the loan availed from the petitioner. Hence, the petitioner has initiated SARFAESI proceedings and filed an application under Section 14 of SARFAESI Act before the District Collector & District Magistrate, Dindigul for taking physical possession of the secured asset of the respondent, which was allowed by an order dated 05.05.2017. Aggrieved by the same, the respondent filed an appeal in S.A.No.246 of 2017 along with stay petition in I.A.No.1263 of

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2017 before the Debts Recovery Tribunal, Madurai, wherein, the Debts Recovery Tribunal, Madurai, has granted the conditional interim stay. The respondent has also complied with the said conditional order. Since the post of Presiding Officer, Debts Recovery Tribunal, Madurai is lying vacant, till date the appeal in S.A.No.246 of 2017 and the stay petition in I.A.No.1263 of 2017 are pending. Hence, the petitioner has approached this Court with the aforesaid prayer.

3.Considering the limited scope of the prayer sought for in this Writ Petition, since the Presiding Officer, Debts Recovery Tribunal, Coimbatore is in-charge of Debts Recovery Tribunal, Madurai, we direct the Presiding Officer, Debts Recovery Tribunal, Coimbatore, who is in-charge of Debts Recovery Tribunal, Madurai, to dispose of the appeal in S.A.No.246 of 2017 and the stay petition in I.A.No.1263 of 2017, as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order, after providing sufficient opportunity of hearing to all the parties concerned.



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4. With the above direction, this Writ Petition stands disposed of. No costs.

**[D.K.K., J.] & [R.V., J.]**  
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Index : Yes / No

Internet : Yes / No

*Myr*



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**AND**

**R.VIJAYAKUMAR, J.**

*Myr*

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