



WEB COPY



C.R.P.No.1773 of 2023
& C.M.P.No.11507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1773 of 2023
& C.M.P.No.11507 of 2023

C.Thangaraj .. Petitioner

Vs.

1. The Registrar
Debt Recovery Appellate Tribunal
7, Shastri Bhavan New Annexe
Haddows Road, Nungambakkam
Chennai – 600 006

2. The Authorised Officer
Kotak Mahindra Bank
219, 1st Floor, Arunchalam Road
Diwan Bahadur Road, R.S.Puram
Coimbatore – 641 002

3. K.Raj .. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the first respondent to register /number the Regular appeal

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filed by the petitioner with Diary No.281/2023 against S.A.No.245 of 2022 and dispose the same at the earliest.

For Petitioner : Mr.P.V.Balasubramaniam
Senior counsel
for Mr.M.Jeyaraj

ORDER

[Order of the Court was made by V.LAKSHMINARAYANAN.,J.]

The case of the petitioner is that he has preferred a regular appeal as against the order passed by the Debts Recovery Tribunal, Coimbatore in S.A.No.245 of 2022 dated 20.02.2023.

2. The learned Senior counsel Mr.P.V.Balasubramaniam would invite our attention to page Nos.164 and 165 of the typed-set of papers which would show that an appeal had been preferred on 22.03.2023 but till date no notice of hearing has been fixed by the Debts Recovery Appellate Tribunal (DRAT). He would also submit that the papers have not been returned so far. Taking advantage of the order which has been impugned, he would



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bring to the notice of the Court that the second respondent seeks to bring machineries for sale when the memorandum of deposit of title deeds is only with respect to the land and building.

3. Whether the machineries are permanently attached to the earth or otherwise, it is for the DRAT to go into and we are not inclined to go into that question for the present. Suffice it to direct the first respondent to take up the appeal for disposal and pass orders in accordance with law within a period of four months from the date of receipt of a copy of this order. Till the DRAT takes up the interlocutory application for hearing, there shall be an order of status quo with respect to the plant and machineries alone.

The Civil Revision Petition is disposed of with the above direction.

No costs. Consequently, connected miscellaneous petition is closed.

(B.P.,J.)

(V.L.N.,J.)

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Index : Yes /No

Speaking order/Non-speaking order
gpa/sra

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B.PUGALENDHI.J.,
and
V.LAKSHMINARAYANAN, J.

(gpa/sra)

To

1. The Registrar
Debt Recovery Appellate Tribunal
7, Shastri Bhavan New Annexe
Haddows Road, Nungambakkam
Chennai – 600 006.
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Kotak Mahindra Bank
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