



W.P.No.16414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.16414 of 2023

- 1.Murthy
- 2.Chandran KK
- 3.Sellakodi C
- 4.Banumathi M
- 5.Sathivel KK

.. Petitioners

Vs

- 1.The Registrar,
Debts Recovery Tribunal,
Coimbatore.
- 2.Shriram Finance Limited,
rep. by its Authorised Officer,
Having Registered Head Office at
No.5 M, 2nd Floor,
Ramachandrapuram,
Thennur, Trichy-62017.
- 3.Shriram Finance Limited,
rep. by its Authorised Officer,
Having Registered Office at
Sri Towers, Plot No.14 A, South Phase,
Industrial Estate, Guindy,
Chennai-600 032.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to forthwith number the case in S.A. Sr. No.608 of 2023 without insisting the Demand Notice dated 15.11.2022 and consequently direct the third respondent to furnish the said Demand Notice within a specific time frame.

For the Petitioners : Mr.D.R.Arun Kumar

For the Respondents : Mr.M.Peer Mohammed
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.D.R.Arun Kumar, learned counsel for the petitioners and Mr.M.Peer Mohammed, learned counsel for respondents 2 and 3.

2. The petitioners have filed an application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") and the same was returned on the ground that a copy of the notice issued under Section 13(2) is not annexed.



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3. Learned counsel for respondents 2 and 3 has placed on record the copy of the notice issued under Section 13(2) of the SARFAESI Act. He has also handed over the copy of the notice to learned counsel for the petitioners.

4. As now the copy of the notice issued under Section 13(2) of the SARFAESI Act has been received by learned counsel for the petitioners, the same may be produced within a week from today before the Debts Recovery Tribunal, Coimbatore. Upon receipt of the copy of the notice under Section 13(2) of the SARFAESI Act, the Debts Recovery Tribunal, Coimbatore, may process the application filed by the petitioners under Section 17 of the SARFAESI Act.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, W.M.P.No.15787 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

21.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Registrar,
Debts Recovery Tribunal,
Coimbatore.



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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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