



C.R.P.No.2446 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Civil Revision Petition No.2446 of 2022

M/s.Sri Vinayaga Sago Factory
Rep. by its Proprietor G.Jegan
S/o. R.Gandhi
No.3/144A, Eachampatty Village
Attur Taluk, Salem District 636 107.

.. Petitioner

Vs.

1. The Authorised Officer
Karur Vysya Bank Limited
Asset Recovery Branch
1498-C, KVB Towers, 3rd Floor
Avinashi Road, Peelamedu
Coimbatore 641 004.

2. The Branch Manager
Karur Vysya Bank Limited
Attur Branch
No.1027, Salem Cuddalore Main Road
Attur, Salem District 636 102.

.. Respondents

Prayer: Petition under Article 227 of the Constitution of India filed against the order dated 14.07.2022 made in S.A.No.474 of 2022 on the file of the Debts Recovery Tribunal, Coimbatore.



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For the Petitioner : Mr.V.Chandrasekaran

For the Respondents : M/s.R.Umasutan

ORDER

(Made by the Hon'ble Acting Chief Justice)

This revision petition has been filed against the order dated 14.07.2022 made in S.A.No.474 of 2022 on the file of the Debts Recovery Tribunal, Coimbatore.

2. The petitioner filed S.A.No.474 of 2022 before the Debts Recovery Tribunal, Coimbatore, challenging the auction notice dated 29.04.2022 issued by the respondent bank, fixing the auction sale of his property on 19.05.2022. The DRT, by order dated 19.05.2022, granted stay of confirmation of auction on condition that the petitioner has to deposit a sum of Rs.50.00 lakh in two instalments and that the first and second instalments to be paid on or before 16.06.2022 and 14.07.2022 respectively.

3. Though the petitioner deposited the first instalment on time,



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did not pay the second instalment. Hence, he filed I.A.No.2636 of 2022 seeking extension of time, I.A.No.2634 of 2022 as an emergent petition and I.A.No.2635 of 2022 for advancing the hearing of S.A. By order dated 14.07.2022, the DRT allowed I.A.Nos.2634 and 2635 of 2022 and accordingly, it took the case for hearing on that day. In I.A.No.2636 of 2022, the DRT, finding that the petitioner has complied with the first part of the conditional order and did not comply with the second part of the order and that the property was sold in auction, directed the auction purchaser to be impleaded. Aggrieved by the same, the petitioner has come up with this revision.

4. Learned counsel for the petitioner contended that the DRT, though allowed the application of the petitioner for advance hearing of the case and heard the matter by preponing the date of hearing, did not grant extension of time to comply with the second part of the conditional order despite the fact that the first part of the conditional order has been complied with, but has confirmed the auction sale, pursuant to which, sale certificate has also been issued on the that date itself.



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5. Learned counsel submitted that since the respondent bank had realised a substantial amount of Rs.1.66 crore by selling the property in auction and Rs.25.00 lakh also had been deposited by the petitioner, a direction may be issued to the DRT to take up S.A.No.474 of 2022 so that no prejudice would be caused to the petitioner.

6. Admittedly, the petitioner has complied with the first part of the conditional order of the DRT, but failed to comply with the second part. Just because he has complied with the first part of the order, he is not entitled to get extension of time to comply with the second part of the order. Even when he moved the application seeking extension of time, he has not paid the balance amount to show his bona fide.

7. In view of the above, we do not any merit in this revision. Accordingly, the revision fails and is dismissed. There will be no order as to costs. Consequently, CMP No.12652 of 2022 is also dismissed.

(T.R., ACJ.) (D.B.C., J.)
01.03.2023

Index : Yes/No
Neutral Citation : Yes/No
kpl



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J
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