



W.P.No.21123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

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

AND

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

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M/s. Nitheeish Textiles
Rep. By its Partner Kanagamani M
4/196, Pattikattu Thottam
Jallipatti PO, Sulur Tk
Coimbatore 641 671.

.. Petitioner

Vs.

1. The Registrar
Debts Recovery Tribunal
Coimbatore.

2. The Authorised Officer
Bank of India
Star House, 324, Oppanakara Street
Coimbatore 641 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of the first respondent in SA Dairy No.1057/2023 order dated 07.07.2023 and quash the same and to direct the first respondent to



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number the appeal within time as stipulated by this Hon'ble High Court.

For the Petitioner : Mr.M.Venkadesh Kumar
For the Respondents : Mr.L.Sriram
For M/s. Chennai Law Firm
for Respondent-2

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Venkadesh Kumar, learned counsel for the petitioner and Mr.L.Sriram, learned counsel for the second respondent.

2. The appeal of the present petitioner before the Debts Recovery Tribunal, Coimbatore is not registered on the ground that the petitioner has not annexed the copy of the demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, so also the possession notice under Section 13(4) of the Act.



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3. Learned counsel for the respondent bank submits that the notices under Section 13(2) and 13(4) have been served upon the petitioner. They have also acknowledged the same. The respondent bank possesses the signature of the petitioner for having received the said notices.

4. We need not enter into the said debate. Learned counsel for the respondent bank may give the copies of the demand notice under Section 13(2) and possession notice under Section 13(4) to learned counsel for the petitioner within two days.

5. Upon receipt of the same, the petitioner may submit the same to the Debts Recovery Tribunal, Coimbatore. The Debts Recovery Tribunal, Coimbatore shall thereafter pass further orders as may be permissible under law.

6. It is made clear that we have not decided the issue as to whether the petitioner was served with the notice under Section 13(2) or under Section 13(4).



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7. The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)
21.07.2023

Index : Yes/No
Neutral Citation : Yes/No

Note to Office:

In case the original copy of the order is filed by the petitioner, the same may be returned to the petitioner.

kpl

To

1. The Registrar
Debts Recovery Tribunal
Coimbatore.
2. The Authorised Officer
Bank of India
Star House, 324, Oppanakara Street
Coimbatore 641 001.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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