



C.R.P.No.1315 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM :

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

AND

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

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1. M/s. D and A Corporate Residency Pvt Ltd.
Rep. by its Proprietor
Old No.5, New No.9, Jagatambal Street
T.Nagar, Chennai 17.

2. Anitha Amarnath .. Petitioners

Vs.

1. The Authorised Officer
Canara Bank
Chennai Mowbray's Road Branch
23, TTK Road, Alwarpet
Chennai 600 018.

2. Sulaiman .. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India seeking to set aside the order dated 30.09.2022 made in S.A.No.385 of 2022 on the file of the Debts Recovery Tribunal II, Chennai.



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For the Petitioners : Mr.S.Sethuraman

For the Respondents : Mr.P.Raunathan
For M/s.T.S.Gopalan & Co.
for Respondent-1

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Sethuraman, learned counsel for the petitioners and Mr.P.Ragunathan, learned counsel for the first respondent.

2. The civil revision petition is filed by the borrowers against the order of the Debts Recovery Tribunal dismissing the Securitisation Application No.385 of 2022 under order dated 30.09.2022.

3. Upon being confronted of an alternative remedy available, learned counsel for the petitioners submits that there is a total impropriety on the part of the Presiding Officer in dealing with the Securitisation Application. Though the order demonstrates that it was delivered on 30.09.2022, it was uploaded only on 07.10.2022. The



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certified copy was given to the petitioners on 15.11.2022. Thereafter, it is shown that the matter is transferred to the Debts Recovery Tribunal III and even in the cause list of 18.10.2022, the matter is shown to have been reposted to 04.01.2023.

4. According to learned counsel for the petitioners, there is a total impropriety on the part of the Presiding Officer. On 30.09.2022, the order was not passed by the Presiding Officer, because of which, the petitioners could not prefer an appeal.

5. The petitioners/borrowers already had the certified copy of the order dated 30.09.2022 in their hand on 15.11.2022. It appears that only because of the technical and procedural glitch, the matter was shown to be transferred and reposted on 04.01.2023. The petitioners were not precluded from filing an appeal before the Debt Recovery Appellate Tribunal against the said order.

6. The petitioners have an effective alternative remedy available against the impugned order. In the light of that, we are not inclined to



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entertain the present civil revision petition.

7. The civil revision petition is, accordingly, disposed of with liberty to the petitioners to avail alternative remedy. In that event, all the contentions are kept open. It is for the petitioners to seek benefit of Section 14 of the Limitation Act. There will be no order as to costs. Consequently, C.M.P.No.8839 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

04.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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

(kpl)

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