



W.P.No.30768 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30768 of 2023

K.Suresh

.. Petitioner

Vs.

1. The Registrar
DRT-III, Chennai.

2. The Authorised Officer
City Union Bank Limited
Credit Recovery and Management Department
No.24-B, Gandhi Nagar
Kumbakonam – 612 001.

3. K.Vetrivel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to take the appeal in diary No.4554 of 2023 on file without reference to the delay and to decide the matter on merits.

For the Petitioner

: Mr.G.Ilamurugu



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.İlamurugu, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the Securitisation Application filed by the petitioner has been returned on the ground that the Securitisation Application is barred by limitation. Learned counsel submits that fraud was noticed by the petitioner and the Securitisation Application is filed within the limitation from the date the fraud was noticed.

3. In the present writ petition, we are not going to consider the merits of the contentions.

4. It appears that the impugned order, returning the Securitisation Application, is not passed by the Presiding Officer. In the light of that, we pass the following orders:

- (i) The impugned order, returning the Securitisation Application (Page No.79), is set aside;



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(ii) The Registry of the Debts Recovery Tribunal – III, Chennai shall place the Securitisation Application before the Presiding Officer, who would decide whether the Securitisation Application, filed by the petitioner, is within the limitation or otherwise.

5. In view of the aforesaid, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.30425 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Registrar
DRT-III, Chennai.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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