



C.R.P.Nos.431 & 439 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

C.R.P.Nos.431 & 439 of 2019

Cash 'N' Carry Wholesale Traders (P) Ltd.,
Govind 1, 7A, Kannappan Nagar Extension,
Thiruvanmiyur,
Chennai – 600 041.

and also at
Flat No.2, 2nd Floor, Habib Complex,
No.5, Durgabai Deshmukh Road,
R.A.Puram,
Chennai – 600 028.

... Petitioner
in C.R.P.No.431 of 2019

1.City Capital Foundation Limited,
D-1, Srishti Crescendo,
24, Desika Road,
Chennai – 600 004.

2.Pentagon Trading Services Private Limited,
Basement, “Kalyan”
4, Atkinson Road, Vepery,
Chennai – 600 007.



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WEB CO

3.Stone N Sand Builders Private Limited,
D-1, Srishti Crescendo,
24, Desika Road,
Chennai – 600 004.

4.Custodial Services (India) Private Ltd.,
1/17A, Muthukad Road,
Kottivakkam,
Chennai – 600 041.

... Petitioners
in C.R.P.No.439 of 2019

Vs.

1.ICICI Bank Ltd.,
ICICI Bank Towers,
45th Floor, West Wing Plot No.24,
Ambattur Industrial Estate,
Chennai – 600 058
Represented by Shankar Balasubramanian

2.Subhiksha Trading Services Limited,
Represented by its Official Liquidator,
High Court of Madras,
Corporate Bhawan, Second Floor,
No.29, Rajaji Salai,
Chennai – 600 001.

3.R.Subramanian

4.City Capital Foundation Limited,
D-1, Srishti Crescendo,
No.24, Desika Road,
Chennai – 600 004.



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WEB COURT

5.Pentagon Trading Services Private Limited,
Basement, “Kalyan”
4, Atkinson Road, Vepery,
Chennai – 600 007.

6.Stone N Sand Builders Private Limited,
D-1, Srishti Crescendo,
24, Desika Road,
Chennai – 600 004.

7.Custodial Services (India) Private Ltd.,
1/17A, Muthukad Road,
Kottivakkam,
Chennai – 600 041.

8.The Hong Kong & Shanghai Banking Corporation Ltd.,
Nagabrahma Towers,
No.76, Cathedral Road,
Chennai – 600 086.

9.ABN Amro Bank N.V
Now changed to Royal Bank of Scotland,
18, Haddows Road,
Chennai – 600 006.

10.HDFC Bank Ltd.,
Mariam Centre,
751-1 B, Anna Salai,
Chennai – 600 002.

11.Yes Bank Limited,
143/1, Nungambakkam High Road,
Chennai – 600 034.



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WEB CODE

12. Standard Chartered Bank,
5th Floor, 19, Rajaji Salai,
Chennai – 600 001.

13. Development Credit Bank Ltd.,
61, Nungambakkam High Road,
Chennai – 600 034.

14. Federal Bank Ltd.,
SVS Club Building,
No.61, Mount Road,
Chennai – 600 002.

15. Bank of Baroda,
CFS Branch,
No.74, Thyagaraya Road,
Nr Panagal Park,
Chennai – 600 017.

16. The Official Liquidator,
Represented for M/s. Subhiksha Trading Services Ltd.,
High Court of Madras,
Corporate Bhawan, Second Floor,
No.29, Rajaji Salai,
Chennai – 600 001.

... Respondents
in C.R.P.No.431 of 2019

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Chennai – 600 001.

3.R.Subramanian

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Common Prayer : Civil Revision Petitions filed under Article 227 of the
Constitution of India to set aside the order dated 19.02.2018 passed by the



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Debt Recovery Appellate Tribunal in R.A.No.30 of 2015, reversing the order dated 30.04.2015 passed in O.A.No.179 of 2011 passed by the Debt Recovery Tribuna-I, Chennai.

For Petitioners	:	M/s.S.Velu in both petitions
For R1	:	Mr.V.Suresh for M/s.Shivakumar & Suresh in both petitions
R2 to R16	:	Given up vide Court order dt. 25.06.2019

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

When the matter appeared in the list earlier on 11.01.2024, there was no representation for the petitioner. Hence, this Court directed the Registry to list the matter on 22.01.2024 under the caption "for dismissal". Despite these petitions are listed under the caption "for dismissal" today, learned counsel for the petitioner now represents that he has given change of vakalat. However, the counsel has no explanation for his non-appearance earlier. A new counsel who has been introduced by the counsel on record



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has stated that she has filed vakalat on behalf of the petitioner. This Court is unable to find any acceptable reason or explanation for his non-appearance on the earlier occasion. The new counsel is yet to collect papers. This Court is unable to accept the *bona fides* in the submissions of counsels. The new counsel is not ready to get along with the case.

2. Therefore, leaving it open to the petitioner to file a petition for restoration, these Civil Revision Petitions are dismissed for non-prosecution. No costs.

(S.S.S.R., J.) (N.S., J.)
22.01.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Debts Recovery Appellate Tribunal,
Chennai.

2. The Debts Recovery Tribunal-I,
Chennai.

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and
N. SENTHILKUMAR, J.

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