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CRP.PD.No.197/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP.PD.No.197/2023

1.R.Saravanan
2.Mrs.Jayalakshmi

... Petitioners

Vs.

The Authorised Officer
M/s.Axis Bank-RAC
Arcot Plaza, Old No.38,
New No.165, Arcot Road
Kodambakkam, Chennai 600 024.

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct either the Debts Recovery Tribunal-II to dispose of SA.No.112/2022 as having heard the arguments of both the parties to the proceedings thereon and having reserved orders to be passed on 21.10.2022 or direct the Debts Recovery Tribunal-III to hear the matter afresh and dispose of the same in accordance with law at the earliest as may be fixed by this Court.

For Petitioners
For Respondent

: Mr.K.N.Nataraj
: M/s.R.Renuka Devi for
Mr.R.Sreedhar



CRP.PD.No.197/2023

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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) The Civil Revision Petition is filed with a limited prayer to direct the Debts Recovery Tribunal-II, Chennai to dispose of SA.No.11/2022 pending before it.
- (2) The SARFAESI application is against the action initiated by the respondent/Bank against the petitioner under Section 13[4] of SARFAESI Act.
- (3) The basic facts are not in dispute. The petitioners have produced before this Court the extract of 'A' Diary showing that the application is being adjourned from 25.03.2022. Even though arguments are heard from both sides, the matter was posted for orders on 21.10.2022. In the order dated 21.09.2022, while reserving the matter for orders, the respondent/Bank was directed to produce the Loan Agreement.
- (4) The grievance of the petitioners is that the Tribunal has not disposed of the SARFAESI application for no reason and to the dismay of the petitioner.
- (5) The learned counsel for the petitioner now states that SA.No.112/2022



CRP.PD.No.197/2023

WEB COPY

pending on the file of Debts Recovery Tribunal-II, has now been transferred to Debts Recovery Tribunal-III, Chennai, and renumbered as TSA.No.524/2023.

(6) Having regard to the limited scope of prayer, without expressing opinion on the merits of SARFAESI Application, Debts Recovery Tribunal-III, Chennai is directed to consider and dispose of SA.No.112/2022 which has now been renumbered as TSA.No.524/2023, and pending on its file, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order after affording an opportunity of hearing to the respondent/Bank.

(7) The Civil Revision Petition stands **disposed of accordingly**. No costs.

[S.S.S.R., J.] [N.S., J.]
01.07.2024

AP

Internet : Yes

To



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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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