



W.P.Nos.4002 and 4007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.4002 and 4007 of 2024

Sylvia .. Petitioner
in both W.Ps
Vs.

1. The Registrar
Debts Recovery Tribunal
Coimbatore.
2. The Authorized Officer
M/s.Repco Home Finance Ltd.
No.8/26, Indian Red Cross Building
Huzur Road, Coimbatore – 18.
3. M/s.Repco Home Finance Ltd.
Rep. by its Manager
No.8/26, Indian Red Cross Building
Huzur Road, Coimbatore – 18.

4. G.Ravichandran
 5. A.R.Barkarth Nisha
- .. Respondents
in both W.Ps

Prayer in W.P.No.4002 of 2024: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent Debts Recovery Tribunal, Coimbatore to expedite the proceedings in S.A.N.503 of 2018 pending on its file and dispose the same within a reasonable period;



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Prayer in W.P.No.4007 of 2024: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent Debts Recovery Tribunal, Coimbatore to expedite the proceedings in S.A.N.622 of 2023 pending on its file and dispose the same within a reasonable period.

For the Petitioner : Mrs.Chitra Sampath
in both W.Ps Senior Counsel
for Mr.T.S.Baskaran

COMMON ORDER

(Made by the Hon'ble Chief Justice)

Heard Mrs.Chitra Sampath, learned Senior Counsel appearing for Mr.T.S.Baskaran, learned counsel for the petitioner.

2. Learned Senior Counsel submits that the petitioner is not a party to the mortgage transaction between the borrower and the bank. The petitioner is a third party under a valid settlement deed. A share in the subject writ property was allotted to the present petitioner. Subsequently, unilaterally, the father, who is the borrower, executed a cancellation deed on 19.05.2009. The mother of the petitioner, also a beneficiary of the settlement deed along with the petitioner, filed a civil suit bearing O.S.No.171 of 2010, that was renumbered as O.S.No.175 of 2018. During the pendency of the suit, the mother of the petitioner died. The petitioner was impleaded in the plaint, being the legal heir.



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The civil suit was decreed in favour of the petitioner, wherein, the cancellation deed dated 19.05.2009, executed by one C.Samuel Raj, was held to be null and void and injunction was also granted.

3. According to the learned Senior Counsel, during the pendency of the suit, the deceased defendant 1/C.Samuel Raj instituted a sale deed in favour of one Ravichandran and the said Ravichandran *inter alia* mortgaged to the bank in 2016.

4. Once the sale deed is held to be null and void, no right would flow to any person under the alleged sale deed and/or the mortgage deed. The petitioner is challenging the sale notice and the possession notice by filing two securitisation applications. Though the applications are numbered long back, that is S.A.No.503 of 2018 and S.A.No.622 of 2023, the same are not proceeded with.

5. Learned Senior Counsel submits that the pleadings in both the securitisation applications are completed and the matters are kept for hearing.



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6. Considering the fact that one of the securitisation applications is pending since the year 2018, i.e. for almost six years, the Tribunal, where the said securitisation applications are pending, shall endeavor to decide the same expeditiously, preferably within a period of six months. The petitioner may request the Tribunal for interim orders in the *interregnum*.

7. With the aforesaid observations, these writ petitions stand disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.4321 and 4325 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No
Neutral Citation : Yes/No

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1. The Registrar
Debts Recovery Tribunal
Coimbatore.



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

(drm)

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