



WEB COPY



CRP.Nos.1523 and 1524 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP.Nos.1523 and 1524 of 2020

and

CMP.Nos.28249, 28486, 28571, 28250, 28027, 26224, 28575, 28576,
28488, 28490, 28553, 28563, 28569 of 2023 and
CMP.Nos.9103, 9078 of 2020

CRP.No.1523 of 2020

1. M/s.Varshini Grain Processing Industry,
Rep. by its Sole Proprietor,
Mr.N.Shanmugam,
2. N.Shanmugam
3. S.Jayalakshmi

...petitioners

Vs.

M/s.IDBI Bank Limited,
Rep. by its Assistant General Manager,
Having Office at
No.86, S.V.Patel Salai,
Puducherry 605 001.

...respondent



CRP.Nos.1523 and 1524 of 2020

PRAYER: This petition is filed under Article 227 of the Constitution of India to set aside the order dated 04.12.2019 made in OA.No.271 of 2017 on the file of the Debts Recovery Tribunal-III, Chennai.

For petitioner : Mr.K.S.Govinda Prasad
For respondents : Mr.V.Suresh

CRP.No.1524 of 2020

1. M/s.Sree Nidhi Hitech Food Industries,
Rep. by its Sole Proprietor,
S.Jayalakshmi,
2. S.Jayalakshmi
3. N.Shanmugam ...petitioners

Vs.

M/s.IDBI Bank Limited,
Rep. by its Assistant General Manager,
Having Office at
No.86, S.V.Patel Salai,
Puducherry 605 001. ...respondent

PRAYER: This petition is filed under Article 227 of the Constitution of India to set aside the order dated 04.12.2019 made in OA.No.268 of 2017 on the file of the Debts Recovery Tribunal-III, Chennai.

For petitioner : Mr.K.S.Govinda Prasad
For respondents : Mr.V.Suresh



COMMON ORDER

WEB COPY (The Order of the Court was made by S.S.SUNDAR, J)

These Civil Revision Petitions are filed against the order passed by the Debts Recovery Tribunal-III, Chennai dated 04.12.2019.

2. Even though statutory appeal remedy is available under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, the petitioners challenge the impugned order stating that before the Appellate Tribunal, there was no presiding officer at the time of filing the Civil Revision Petitions. Hence, they are constrained to file these Civil Revision Petitions.

3. It is to be noted that the Presiding Officer is now in office is admitted. The petitioners have raised some factual issues.

4. This Court finds that the Civil Revision Petitions are not filed on any legal issue and the grounds are raised on disputed questions of fact. Since decision on disputed questions of fact involves appreciation of evidence, the alternative remedy available to the petitioners in terms of Section 20 of the Act, is appropriate and desirable. Hence, these Civil Revision Petitions are dismissed with liberty to the petitioners to file



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statutory appeal. While filing appeal, the petitioners can seek exclusion of the period during which the above Civil Revision Petitions are pending before this Court for the purpose of limitation.

5. At this juncture, the learned counsel for the petitioners seeks indulgence of this Court to dispense with the condition regarding initial deposit as required under the Act. It is open to the petitioners to file an application either for waiver or to dispense with the deposit. If any application is filed by the petitioners, the same will be considered by the Tribunal in accordance with law. It may not be appropriate to pass any order when these Revisions are dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed. The original orders impugned in the Revision Petitions shall be returned to the counsel on record without any formal application after getting necessary endorsement.

(S.S.S.R.J.,) (N.S.J.,)
01.02.2024

Index : Yes / No
Speaking order: Yes/No
pvs



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To

The Debts Recovery Tribunal-III, Chennai

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

pvs

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