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CRP.No. 1625 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

And

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Civil Revision Petition No. 1625 of 2020

and

CMP.No. 9878 of 2020

P.V. Krishnan

...Petitioner

versus

1.The Authorized Officer
Axis Bank Ltd.,
Axis RAC, Arcot Plaza,
Old NO. 38, New No. 165,
Arcot Road
Kodampakkam, Chennai - 24.

2.The Presiding Officer
The Debts Recovery Tribunal-2
Anna Salai, Chennai - 600 002.

...Respondents



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Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 14.08.2020 in S.A.No. 276 of 2019 on the file of Debts Recovery Tribunal-II, Chennai.

For Petitioner : Mr.G.Sethuraman
For R1 : Mr.Chettan Sagar
For R2 : Tribunal

ORDER

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

This Civil Revision Petition is filed as against the order of Debts Recovery Tribunal, Chennai, dismissing S.A.No. 276 of 2019, challenging the sale notice dated 18.06.2019 of the schedule property, fixing the sale date as on 30.07.2019.

2. There is no dispute with regard to the mortgage and the liability. It is admitted that the petitioner's property was mortgaged towards additional



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collateral security for the enhanced credit facility and Section 13(2) notice was served on the petitioner. It is stated by the petitioner that only when the possession notice under Section 13(2) was affixed in the secured asset, the petitioner came to know about the proceedings initiated by the respondents/Bank.

3. From the sequence of facts, the petitioner has, at every point of time, made a representation for postponement under the guise that he will settle the issue with the 1st respondent/Bank. However, no attempt is made by the petitioner all these years even though the impugned order was passed even on August, 2020.

4. The learned counsel appearing for the petitioner is unable to substantiate any grounds on merits. The case of the petitioner is that the petitioner's written arguments was never considered by the respondent and that the Tribunal failed to appreciate many of the contentions raised by the petitioner



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5. It is seen that the petitioner has raised several other grounds which are identical. However, the learned counsel for the petitioner is unable to demonstrate before this Court any of the grounds raised by the petitioner can be substantiated.

6. The 2nd respondent passed the order after consideration of the relevant facts and issues in detail. Though the petitioner would normally avail an alternative remedy at the relevant point of time, the learned counsel for the petitioner now submits that the petitioner may be given an opportunity to file an appeal before the Debts Recovery Appellate Tribunal as against the impugned order. The petitioner cannot be given any indulgence on the facts and sequence of events established. The dispute is not with regard to quantum or the manner in which the quantum was fixed by the Debts Recovery Tribunal.



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7. In view of the fact that the petitioner has not raised any valid point challenging the impugned order, this Court finds no merits, especially, having regard to the fact that the proceedings were initiated for recovery of money long back and the petitioner is unable to substantiate any grounds raised, challenging the sale notice impugned in the revision petition.

8. In view of the above, Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

13.02.2024

Index: Yes

Speaking order: Yes

Neutral Citation: Yes

MSM



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