



W.P.No.20461 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMARAMAMOORTHY

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and W.M.P.Nos.22413 and 22414 of 2024

1. M/s.Hotel Radha Prasad,
Rep. By its Partners, 1.R.Radha, 2.R.R.Prasad,
3.M/s.Hotel Radhaprasad Private Limited,
No.344, Brough Road, Erode 638 001.
2. R.Radha
3. R.R.Prasad
4. M/s.Hotel Radhaprasad Private Limited,
Plot No.26-A, 4th Main Road, Rep. By its
Director, 1.R.Radha, 2.R.R.Prasad,
SIPCOT IT Park, Siruseri, Chennai 603 103.
5. P.Keerthiprasad
6. R.Savithri

... Petitioners

-VS-

M/s.City Union Bank Ltd.,
Credit Recovery and Management Department,
"NARAYANA", Administrative Office,
No.24-B, Gandhi Nagar, Kumbakonam 612 001,
Rep. By its Authorized Officer, Thiru.V.Ganesan.

... Respondent



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondent herein in proceeding further by taking physical possession of the 1st petitioner M/s.Hotel Radha Prasad No.344 Brough Road, Erode-638001 morefully described in the schedule to the petition till a finality is reached in statutory applications pending in S.A.No.690 of 2022 filed on 14.7.2022 on the file of the learned Debts Recovery Tribunal, Coimbatore and Appeal in A.I.R. No.913 of 2023 filed on 12.7.2023 on the file of the learned Debt Recovery Appellate Tribunal, Chennai since the same is not proceeding to next stage and being adjourned as the respondent bank seeking time to file reply/ counter to the interim applications and the main S.A./Appeals before the Tribunals.

For Petitioners : Mr.N.Jothi
Senior Counsel
for Mr.T.R.Sundaram

For Respondent : Ms.Anantha Gomathy

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ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

First to third petitioners are borrowers and the fourth and fifth



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petitioners are guarantors in respect of facilities availed of from the respondent/bank. On account of the said loan facilities becoming a non-performing asset, the bank initiated proceedings under the SARFAESI Act. Upon measures being taken in terms of Section 13(4) of the SARFAESI Act, the petitioners filed S.A.No.690 of 2022 on 14.07.2022 before the Debts Recovery Tribunal, Coimbatore. Against an interim order issued in the said proceedings, A.I.R.No.913/2023 was filed on 12.07.2023 before the Debt Recovery Appellate Tribunal, Chennai.

2. The primary grievance of the petitioners is that the respondent/bank has been seeking time to file reply/counter to the interim applications and main S.A./appeals before the aforesaid Tribunals. On that basis, the present writ petition was filed and an interim order was obtained. The bank carried the matter in appeal before the Hon'ble Supreme Court and there is an interim stay of the operation of the interim order issued by this Court earlier.

3. Learned counsel for the bank submits that the pleadings are



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complete both in S.A.No.609 of 2022 and in A.I.R.No.913 of 2023. She also states that the bank will not seek any adjournments and will extend full cooperation for the expeditious disposal of the said proceedings. She further states that if this writ petition is disposed of, nothing would survive in the SLP and that she would advise her client to take necessary steps for withdrawal of the SLP.

4. In view of the aforesaid statements of learned counsel for the bank, the primary grievance of the petitioners stands redressed. Consequently, if so intended, the petitioners are in a position to effectively prosecute the pending proceedings before the Debts Recovery Tribunal, Coimbatore and the Debt Recovery Appellate Tribunal, Chennai.

By recording the aforesaid, W.P.No.20461 of 2024 is disposed of. There shall be no order as to costs. Consequently, the interim applications are closed.



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(K.R.SHRIRAM., CJ.) (SENTHILKUMARRAMAMOORTHY, J.)

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Index : Yes/No
NC : Yes/No

sra

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sra)

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