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C.R.P.No.2968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

C.R.P.No.2968 of 2024

P.Durairaj

... Petitioner

Vs.

1.K.Venkatachalam

2.V.Saraswathi

3.State Bank of India,

Represented by the Authorised Officer,

Recovery Branch,

No.377/1, Dr.Nanjappa Road,

Behind R.S.Palaniappa Nursing Home,

Coimbatore – 641 018.

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Additional Sub Judge, Tiruppur to dispose of O.S.No.72 of 2023 within stipulated time by allowing this revision petition.

For Petitioner

: Ms.R.Hemalatha



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ORDER

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This revision has been filed seeking to direct the Additional Sub Judge, Tiruppur to dispose of O.S.No.72 of 2023 within a stipulated time.

2.The petitioner as plaintiff has filed a suit seeking to declare the settlement deed dated 27.08.2009 in Doc.No.3671 of 2009 executed by the first respondent in favour of the second respondent as null and void. Further, the 1/4th share in the property of the petitioner would not be subjected to any attachment or liability, which are now mortgaged in the hands of the third respondent. In the suit, written statement filed, issues framed and thereafter, it was also sent for mediation and from 22.02.2024 it was adjourned for trial on 9 occasions. Petitioner's limited prayer is that suit to be concluded within a time frame.

3.The learned counsel fairly submitted that the petitioner earlier filed W.P.No.793 of 2024 before the First Bench of this Court seeking to



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quash the order passed in SARFAESI proceedings dated 21.12.2023 and the same was dismissed as withdrawn with liberty to the petitioner to seek relief before the Debts Recovery Tribunal or in the civil suit. In the DRT proceedings the petitioner is not a party and in the civil suit, the Bank is participating in the trial but they are taking time to proceed with the case. In view of the same, learned counsel sought for direction.

4.Since it is only a limited prayer seeking direction to dispose of O.S.No.72 of 2023 within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.

5.In view of the above, the trial Court is directed to proceed with the trial and dispose of O.S.No.72 of 2023, within a period of four months from the date of receipt of a copy of this order. The trial Court is also directed to look into whether there is any DRT proceedings pending against the petitioner and if so, whether there is any prohibition to proceed with the trial.

Subject to the condition the trial to be completed.



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M.NIRMAL KUMAR, J.

rsi

6. With the above directions, the Civil Revision Petition is disposed of. No costs.

31.07.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No

To

The Additional Subordinate Judge,
Tiruppur.

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