



WEB COPY



C.R.P.No.3763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.R.P.No.3763 of 2023

State Bank of India
Stressed Assets Management Branch
Red Cross Buildings
No.32, Montieth Road
Egmore, Chennai 600 008
Rep. by its Assistant General Manager. .. Petitioner

Vs.

1. M/s. Indhumathi Refineries Private Ltd.
Rep. by its Managing Director
Nos.1, 2 & 3, Suryanarayana Chetty Street
Tondiarpet, Chennai 600 081
Registered Office at
No.12, PPV Nandhavanam Street
Virudhunagar, Tamil Nadu 626 001.

2. S.Raji
3. R.Thirumagal
4. R.Shenbagan
5. R.Rajan
6. U.Nirmala .. Respondents



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Prayer : Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.05.2023 passed in M.A.No.21 of 2022 in M.A.128 of 2021 in Appeal (MDN) No.1447 of 2021 in DRC No.09 of 2014 in O.A.No.154 of 2011 on the file of Debt Recovery Appellate Tribunal, Chennai.

For Petitioner : Mr.M.L.Ganesh

For Respondents : No appearance

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Mr.Ganesh states that petitioner is only upset with the observations in paragraph 8 of the impugned order dated 16.05.2023 and the consequential imposition of cost of Rs.25,000/-.

2. Respondents have been served by way of substituted service and an affidavit of service of one Sashikumar C.S., affirmed on 15.12.2023, is filed.



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3. Having heard Mr.Ganesh and considered the impugned order, we are of the view that filing of appeal belatedly cannot be stated to be an abuse of process of law and more certainly, in the case on hand.

4. In our view, the cost of Rs.25000/- imposed is also not justified.

5. Therefore, the observations made in paragraph 8 that the appeal was a complete abuse of process of law be expunged. Consequently, imposition of cost of Rs.25,000/- is also quashed and set aside.

6. Petition is disposed of.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

23.10.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

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The Registrar
Debt Recovery Appellate Tribunal, Chennai.

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

(kpl)

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