



C.R.P.(PD) (MD) No.1134 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

C.R.P.(PD) (MD) No.1134 of 2024

M/s.Adhitya Barat Gas Agencies,
Mr.S.R.Ratheesh, Proprietor,
22/76D1, Padmanabhapuram,
Mettukadai, Thuckalay Post,
Kanyakumari District-629 175.

... Petitioner/1st Petitioner/
1st Applicant

Vs.

1.The Authorized Officer/Chief Manager,
Central Bank of India,
Old No.243A2, New No.432,
Kunjannadercomplex, PWD Road,
Nagercoil, K.K.District-629 001.

2.The District Collector,
Collector Office Campus,
K.P.Road, Nagercoil,
Kanyakumari District-629 001.



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3.The Thasildar,
Kalkulam, Thuckalay,
Kanyakumari District-629 175.

... Respondents/
Respondents/Defendants

Prayer: Revision Petition filed under Article 227 of the Constitution of India to direct the Presiding Officer to expedite and dispose of the Interlocutory Petition in I.A.No.2072 of 2023 in S.A.No.558 of 2018 on the file of the Debts Recovery Tribunal, Madurai, within the time frame to be fixed by this Court.

For Petitioner	:	Mr.G.Mohankumar
For R1	:	Mr.N.Dilipkumar
For RR2 & 3	:	Mr.A.Baskaran Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This Civil Revision Petition is filed for an expeditious disposal of an interlocutory application in I.A.No.2072 of 2023 in S.A.No.558 of 2018 pending on the file of the Debts Recovery Tribunal, Madurai.



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2. The revision petitioner herein is the borrower and the possession notice issued by the secured creditor is said to be under challenge in S.A.No.558 of 2018.

3. Learned counsel for the petitioner submitted that in the mean time, few properties were taken and couple of them were also sold in auction. He submitted that in these circumstances, if the interlocutory application is not heard, it may jeopardize the interest of the borrower and would defeat the very purpose of filing S.A.No.558 of 2018.

4. This Court is informed that in S.A.No.558 of 2018, the Bank has not even filed its statement since 2018.

5. Fairness is a foundation for any judicial process, be the Court or the Tribunal and a fair handling of the procedure is mandatory lest it would defeat the ends of justice. Here is a scenario where the Debts Recovery Tribunal is almost waiting infinitely for the creditor Bank to file its statement, whereas on the other side, the Bank is also said to be in auctioning the



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property which it had taken possession of. Fairness will be defeated if procedural accommodation is not evenly distributed between both the sides.

6. Hence, this Court now directs the Debts Recovery Tribunal, Madurai to dispose not just I.A.No.2072 of 2023 even any other interlocutory applications pending before it in S.A.No.558 of 2018, in order, no procedural advantages in delay given by the other side within a period of four weeks from today. Indeed, the Debts Recovery Tribunal may also consider proceeding ex-parte with S.A.No.558 of 2018, if the Bank is not interested in filing its statement. There cannot be a procedural advantage to one side to the disadvantage of the other side infinitely.

7. To end, this Civil Revision Petition is disposed of. No costs.

(N.S.S., J.)

(P.V.M., J.)

10.07.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

Note: Issue order copy by 10.07.2024.

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To

- 1.The Debts Recovery Tribunal,
Madurai.
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N. SESHASAYEE, J.
and
P.VADAMALAI, J.

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