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C.R.P.No.37 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.37 of 2025

1.Nawsanth Begum
2.Imran Basha

.. Petitioners

Versus

1.HDB Financial Service Limited,
Rep. by its Managing Director,
9-11, Uttam Complex,
Rajaji Road,
Ram Nagar,
Coimbatore – 641 009.

2.HDFC Life Insurance Company Limited,
Rep. by its Managing Director,
13th Floor, Lodha Excelus,
Apllo Mills Compound,
N.M.Joshi Marg, Mahalaxmi,
Mumbai – 400 001.

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Tamil Nadu State Consumer Disputes Redressal Commission, Chennai to dispose of the Consumer Complaint in C.C.No.3 of 2021 as expeditiously as possible.

For Petitioner : Mr.R.Venkataraman,



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Senior Counsel for

WEB COPY Mr.J.Pooventherarajan

ORDER

This civil revision petition seeks a direction to the State Consumer Disputes Redressal Forum, Chennai to dispose of C.C.No.3 of 2021, pending on its file.

2. The civil revision petitioners are the legal heirs of one S.R.Malik. The said S.R.Malik had availed financial assistance from the first respondent. To underwrite the said loan, an insurance contract was entered into with the second respondent. Premium was also paid by Mr.Malik to the tune of Rs.2,60,000/-. The said Malik passed away due to natural causes on 29.07.2017. The petitioner urged that the second respondent to make good the policy of insurance. Curiously, after the death of Malik, the premium paid by him was returned on 07.12.2017.

3. Aggrieved over the acts of the first and second respondents, the civil revision petitioners approached the Tamil Nadu State Consumer Disputes Redressal Forum at Chennai.



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4. Notice was ordered in the complaint. The opposite parties were called upon to file their objections to the petition. As the case has been repeatedly adjourned for the appearance of the opposite parties, the petitioners have approached this court seeking for a direction.

5. I heard Mr.R.Venkataramanan, learned Senior Counsel for Mr.J.Pooventherarajan for the civil revision petitioners.

6. Mr.R.Venkataraman submits that while the respondents are not appearing before the Commission, the first respondent is proceeding further invoking SARFAESI Act. He invites my attention to the order of the learned Chief Judicial Magistrate at Coimbatore in Cr.M.P.No.17685 of 2024 dated 12.12.2024, wherein an Advocate Commissioner has been appointed to take physical possession of the Vegetable Commission Mandy, that was originally, run by the deceased Malik and now, by his legal representatives. He points out that on one hand, the respondents as opposite parties are not cooperating with the Commission for disposal of C.C.No.3 of 2021, and on the other hand, they are proceedings further with the



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SARFAESI proceedings. Therefore, he seeks for expeditious disposal of C.C.No.3 of 2021.

7. I have carefully considered the submissions of Mr.R.Venkatraman and have gone through the records.

8. The records reveal that on 14.05.2024, the civil revision petitioners marked the documents on their side. On that date, there was no appearance for the opposite parties. Hence, the matter was adjourned to 09.07.2024. Even on that date, there was no appearance on behalf of the opposite parties and the matter was adjourned to 16.10.2024. On 16.10.2024, the Commissioner did not have a sitting on account of natural causes and the case was re-posted to 05.11.2024. On 05.11.2024 too, the opposite parties have not placed their submissions or their documents and hence, the matter was adjourned to 07.01.2025.

9. Mr.R.Venkatraman states that the matter has been adjourned without giving a specific date on 07.01.2025.



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10. The papers reveal that the respondents while not cooperating with the Commission for disposal of C.C.No.3 of 2021, simultaneously are proceeding vigorously under the SARFAESI Act. Therefore, there shall be a request to the Tamil Nadu State Consumer Disputes Redressal Forum, Chennai to dispose of C.C.No.3 of 2021 within a period of three months from the date of receipt of a copy of this order.

11. With the above directions, this civil revision petition is disposed of. No costs.

08.01.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no

To

The Tamil Nadu State Consumer Disputes Redressal Commission, Chennai.



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V.LAKSHMINARAYANAN, J.

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