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C.R.P.No.4125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM :

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

AND

THE HON'BLE MR. JUSTICE SENTHILKUMARAM MOORTHY

C.R.P.No.4125 of 2023

V.Suresh

... Petitioner

-VS-

The Authorised Officer,
CANFIN Homes Ltd.,
Trichy Branch, B-11, 2nd Floor,
Star Towers, 12th Cross Thillai Nagar,
Trichy 620 018.

... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India against the order dated 10.08.2023 made in RA (SA) No.162 of 2018 on the file of Debts Recovery Appellate Tribunal, Chennai, reversing the order dated 6.11.2017 in S.A.No.91 of 2017 of Debts Recovery Tribunal-II, Chennai.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.R.Gopinath

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ORDER

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

The petition is impugning an order dated 10.08.2023 passed by the Debts Recovery Appellate Tribunal, allowing the appeal filed by the bank.

2. Counsel for petitioner states that clear 30 days notice required was not given and therefore, sale itself was bad.

3. The sale notice is dated 07.02.2017. Mr.Arun stated that petitioner has not paid a single penny even after the notice. It is over 7 years since the notice. If petitioner was a bonafide person, in our view, petitioner would have paid subsequently substantial amounts towards repayment of the loan taken. As no amount has been paid, we see no reason to entertain the petition.

4. In fact, we offered to give a hearing provided petitioner deposited the entire amount payable within a time, because petitioner has enjoyed the



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money for over 7 years. Counsel naturally said it was not possible.

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Petition is, therefore, dismissed. There shall be no order as to costs.

(K.R.SHRIRAM., CJ.)

(SENTHILKUMARRAMAMOORTHY, J.)

03.01.2025

Index : Yes/No
NC : Yes/No

sra

To:

1. The Debts Recovery Appellate Tribunal,
Chennai.
2. The Debts Recovery Tribunal-II,
Chennai.



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

(sra)

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