



WEB COPY



W.P.No.2228 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.2228 of 2023

&

W.M.P.Nos.2301, 2303 & 2305 of 2023

T.T.Sigamani

.. Petitioner

Vs.

1. The Manager
Indian Bank
No.32-B, Velacherry Main Road
Velacherry, Chennai.
2. M/s. G.P.Polimers
No.134, 135 Velachery Main Road
Saidapet, Chennai 600 015.
3. V.Shanmugasundram
4. Mahesh
5. V.Jansibai
6. M/s. Encore Asset Reconstruction Company
Private Limited
Having its registered office at
15th Floor, Eros Corporate Towers
Nehru Place, New Delhi 110 019.



W.P.No.2228 of 2023

7. The Bar Council of Tamil Nadu and Puducherry

High Court, Gate No.4
NSC Bose Road, George Town
Chennai 600 104.

.. Respondents

[R7 suo motu impleaded vide order
dated 30.01.2023]

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records pertaining to the order dated 20.12.2013 in AIR No.750 of 2013 on the file of DRAT at Chennai and quash the same and consequently, number the appeal of the petitioner and to dispose the same.

For Petitioner : Mr.R.Balaguruswamy

For Respondents : Mrs.S.R.Sumathy
for Respondent-6

Mr.C.K.Chandrasekar
for Respondent-7

No appearance
for Respondent-1

Not ready in notice
for Respondents 2 to 5

ORDER

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

One of the grievances raised by petitioner is that he never engaged an advocate before the Debts Recovery Tribunal or Debt Recovery Appellate



W.P.No.2228 of 2023

Tribunal and for that matter, he could not file any written statement because petitioner never received notice of any proceedings that the bank had initiated against respondent No.2 and its partners. Admittedly petitioner was a partner of respondent No.2.

2. Counsel states that even the so-called appeal AIR No.750 of 2013 was not filed by petitioner, but by somebody else and he gave no instructions to any advocate to file an appeal.

3. Mr.Balaguruswamy states that notices sent to respondents 2 to 5 have come back undelivered and he does not know their whereabouts.

4. Ms.Sumathy, counsel for bank, respondent No.6, states that the matter being very old, as Debts Recovery Tribunal order is dated 11.09.2013 and Debt Recovery Appellate Tribunal order is dated 20.12.2013, purely with an intention to put an end to the controversy, without conceding to the stand taken by petitioner, the Court may set aside the order passed by Debts Recovery Tribunal and Debt Recovery Appellate



W.P.No.2228 of 2023

WEB COPY

Tribunal restricted only to petitioner, who is mentioned as defendant No.4 and appellant No.3 respectively. Ms.Sumathy further states that as the matter is very old, Debts Recovery Tribunal may also be directed to dispose O.A.No.55 of 2013 against which appeal has been filed.

5. Since counsel for petitioner states that respondent Nos.2 to 5 are not traceable and the matter being old, it would be difficult to even verify with them the veracity of what petitioner is saying. Therefore, the orders dated 11.09.2013 and 20.12.2013 in O.A.No.55 of 2013 and AIR No.750 of 2013 passed by Debts Recovery Tribunal and Debt Recovery Appellate Tribunal respectively are set aside as regards petitioner alone.

6. The Debts Recovery Tribunal is directed to hear O.A.No.55 of 2013 as regards petitioner expeditiously. The matter being over 12 years old, the Debts Recovery Tribunal is requested to dispose the same within 12 weeks.

7. We clarify that we have not made any observation on the merits of the petitioner's dispute with the financial institution.



W.P.No.2228 of 2023

WEB COPY

Petition is disposed of. There shall be no order as to costs.

Consequently, the interim applications also stand disposed.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ,J.)

26.03.2025

Index : Yes/No
Neutral Citation : Yes/No
kpl

To

1. The Manager

Indian Bank

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W.P.No.2228 of 2023

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

(kpl)

W.P.No.2228 of 2023

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