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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**CRP(NPD)(MD)No.1072 of 2025
and
C.M.P(MD)No.5825 of 2025**

M.Philip

... Petitioner/Petitioner/ Applicant

.Vs.

M/s.Vistaar Financial Services Private Limited,
Plot No.59 and 60-23,22nd Cross,
29th Main, BTM Lay Out second stage,
Bengaluru - 560 076,
through its duly Senior Legal Manager/ Authorized
Officer Thiru R.Madhu Kumar ... Respondent/Respondent/
Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to set aside the order made in N.D.N.No.646 of 2024 in S.A.SR.No.4848 of 2024, dated 27.06.2024, on the file of the learned Debt Recovery Tribunal, Madurai.



For Petitioner : Mr.SC.Herold Singh

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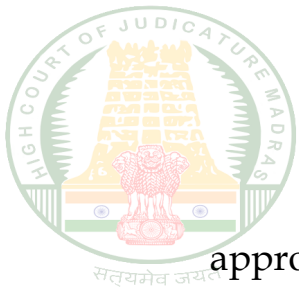
ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

This Civil Revision Petition is filed praying this Court to set aside the order made in N.D.N.No.646 of 2024 in S.A.SR.No.4848 of 2024, dated 27.06.2024, on the file of the learned Debts Recovery Tribunal, Madurai.

2.Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

3.The Petitioner, who is a borrower, having defaulted in payment of loan amount, the respondent has taken action for recovery of money and his property has been attached and taken possession for a due of Rs.33,21,709.00/- as per notice, dated 27.01.2023. Alleging that he was not able to pay money due to want of proper notice and also he did not borrow Rs. 33,21,709.00/- and the respondent has wrongly calculated the due amount and action was taken, he has approached this Court by filing a Writ Petition and the same was dismissed on 13.02.2024 with a direction to the Petitioner to approach the



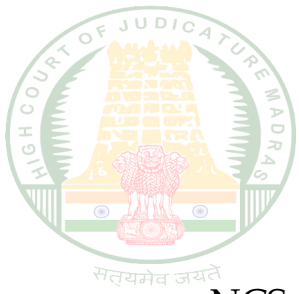
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appropriate forum. Thereafter, he has gone to the Debts Recovery Tribunal, Madurai. However, his application was dismissed on 27.06.2024 stating that the application is hopelessly barred by limitation and Section 5 of Limitation Act is not applicable. Challenging the said dismissal order, the present Civil Revision Petition is filed.

4.This Court finds that having borrowed money from the respondent and allowed the loan amount as a non-performing asset as early as on 04.02.2018, when the respondent has taken steps as per law for recovery of money and taken possession of the property given as security, almost after two years, the present petition is filed which has been rightly rejected by the Debts Recovery Tribunal, Madurai, on the ground of limitation. This Court, perusing the affidavit and the connected papers, finds no reason to interfere with the order of the Debts Recovery Tribunal, Madurai.

5.Accordingly, the Civil Revision Petition stands dismissed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[G.J.,J.] [R.P.,J.]
04.04.2025



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NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

Copy to

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn



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ORDER MADE IN

CRP(NPD)(MD)No.1072 of 2025
and
C.M.P(MD)No.5825 of 2025

04.04.2025