

C.R.P(MD)No.1468 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

C.R.P(MD)No.1468 of 2025

and

C.M.P(MD)No.7423 of 2025

E.Ramkumar

... Revision Petitioner

-Vs-

1.M/s.Kotak Mahindra Bank Ltd.,
Asset Reconstruction Division,
1st Floor, Ceebros Central,
No.39, Montieth Road, Egmore,
Chennai-600 008.

2.M/s.Getwell Hospital Pvt. Ltd.,
Castle Wood, Tirunelveli-627 007.

3.Mr.A.Ramakrishnan

4.Mr.R.Sundararaman

5.Mr.S.Shanmugam

6.Mrs.Pazhanimuthu

... Revision Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed NDN (Appeal) No.893/2024, dated 28.01.2025, on the file of the Debts Recovery Tribunal-II at Chennai.

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For Petitioner : Mr.K.R.Laxman
For R1 : Mr.Veerapandian
for M/s.Vast Law Associates

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Civil Revision Petition has been filed by the petitioner seeking to set aside the order passed NDN (Appeal) No.893/2024, dated 28.01.2025, on the file of the Debts Recovery Tribunal-II, Chennai.

2. The brief facts of the case is as follows:-

The revision petitioner has challenged the order passed in M.A.No.210 of 2018 by the Recovery Officer, Debt Recovery Tribunal II, Chennai pertaining to raising the order of attachment, dated 21.03.2017 made in DRC No.149 of 2015 in DRC No.34 of 2004 in O.A.No.1134 of 2000 before the Recovery Officer, Debt Recovery Tribunal II, Chennai, wherein, the said petition to set aside was dismissed vide order dated 05.04.2019. Against the order of dismissal, the petitioner has preferred a Civil Revision Petition in C.R.P(MD)No.1303 of 2019, on 13.05.2019 before this Court. This Court, after adjudicating the revision petition, passed final order on 27.11.2023 holding that the Civil Revision Petition

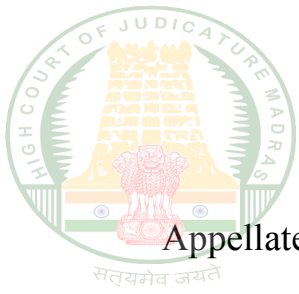


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is not maintainable and directed the revision petitioner to prefer an appeal under

Section 30 of the Recovery of Debts and Bankruptcy Act, 1993. This Court, while disposing the Civil Revision Petition in C.R.P(MD)No.1303 of 2019, has also passed an order excluding the time taken for the litigation of the revision for the purpose of limitation and granted 30 days time for presentation of the application from the date of receipt of the original copy of the order of the Debts Recovery Tribunal. The original order was returned to the petitioner on 31.01.2024 and the petitioner had filed an appeal on 26.02.2024 before the Debt Recovery Tribunal II, Chennai under Diary No.893 of 2024. The Tribunal had posted the matter to be heard on the question of delay and maintainability and holding that and application under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993 has to be filed within the 30 days as provided under Section 30(1) of the Act and there is no provision to condone the delay had dismissed the petition. Against which, the present Civil Revision Petition has been filed.

3. Mr.K.R.Laxman, learned counsel appearing for the petitioner would submit that this Court while disposing the C.R.P(MD)No.1303 of 2019 though holding that the Civil Revision Petition is not maintainable had directed the time taken for the litigation of the revision for the purpose of limitation to be excluded and specifically granted 30 days time for presenting the application before the



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Appellate Authority. The original impugned order passed by the Tribunal where was filed along with C.R.P.No.1303 of 2019 was returned by the Registry of this Court only on 31.01.2024 and the Assistant Registrar has also issued certificate with regard to the return of the impugned order on 31.01.2024. If that is taken into consideration, the appeal has been preferred within a period of 30 days and the question of the delay will not at all arise, whereas, the Appellate Authority had wrongly holding that the petition is filed beyond the period had dismissed the application. Thereby he would seek to set aside the order.

4. The learned counsel for the first respondent would submit that the order of Civil Revision Petition was passed on 27.11.2023 and the appeal has been preferred by the petitioner only on 26.02.2024 after delay and the tribunal has rightly rejected the same and prays for dismissal of the Civil Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.



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6. Though the Civil Revision Petition has been disposed of on 27.11.2023, later on the mentioning made by the counsel, the matter had been listed before this Court on 18.12.2023 and this Court had corrected the order and has made the following observation:-

"5.Taking into consideration the points that were raised by the learned counsel for the petitioner, we deem it fit to say that the time taken for the litigation of this revision is excluded for the purpose of limitation and 30 days time is granted for presentation of the application from the date of receipt of the original copy of the order of the Debts Recovery Tribunal."

7. This Court had specifically stated that 30 days time is granted for presenting the application from the date of receipt of original copy of the order of the DRT. The original order has been returned to the petitioner only on 31.01.2024 and the appeal has been filed within the time on 26.02.2024. The learned Tribunal, without taking into consideration the same, had dismissed the application stating that the appeal has been filed beyond the period of limitation.

8. In view of the above, the revision stands allowed and the order dated 28.01.2025 made in NDN (Appeal) No.893/2024 is set aside. The Debts



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Recovery Tribunal II, Chennai is directed to take the application and number the same and pass final orders on merits and in accordance with law. It is made clear that the above observations are made only for disposal of the Civil Revision Petition and it would not have any bearing the main case. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] & [G.A.M., J.]
03.07.2025

NCC:Yes/No
Index:Yes/No
am

To

The Debts Recovery Tribunal-II at Chennai.



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A.D.JAGADISH CHANDIRA, J.

AND

G.ARUL MURUGAN, J.

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