



W.P.(MD)No.10581 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND**

THE HONOURABLE MS.JUSTICE R.POORNIMA

Writ Petition(MD)No.10581 of 2025

and

W.M.P(MD)No.7903 of 2025

1.M.Ravichandran

2.R.Kalaivani

: Petitioners

Vs.

M/s Nido Home Finance Ltd.,
Rep. by its Authorized Officer,
Mr.Santhanu,
Tower 3, 5th Floor, Wing 'B'
Kohinoor City Mail, Kiral Road,
Kural (West),
Mumbai.

: Respondents



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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records relating to the impugned order passed by the Chief Judicial Magistrate Kumbakonam dated 10.03.2025 made in Cr.M.P.No.144/2025 under section 14 of the SARFAESI ACT, 2002 and quash the same as illegal.

For Petitioner : Mr.S.Surya

ORDER

DR.G.JAYACHANDRAN,J.

and

R.POORNIMA,J.

The petitioners herein, being aggrieved by the order passed by the Chief Judicial Magistrate, Kumbakonam, under Section 14 of the SARFAESI Act, 2002, are before this Court stating that though Section 19 of the SARFAESI Act provides for an appeal before the Debts Recovery Tribunal, since the Debts Recovery Tribunal-2, Chennai, is vacant, they are before this Court.



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WEB COPY 2. Mere vacancy of the Debts Recovery Tribunal-2, Chennai, cannot confer jurisdiction to this Court, when there is a statutory appeal remedy available to the petitioner, since there are in-charge members taking care of the cases. Hence, without adverting to the merits of the case, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.J.,J.) (R.P.,J.)
16.04.2025

skn
NCC : Yes/No
Index : Yes/No
Internet : Yes/No



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

skn

Order made in
Writ Petition(MD)No.10581 of 2025

16.04.2025