



WEB COPY

CRP No. 1088 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CRP No. 1088 of 2026

1. N.Gunasekaran
2. G.Selvi

..Petitioner(s)

Vs

M/s.Kotak Mahindra Bank,
No.27BKC, C37, G Block,
Bandra Kurla Complex, Bandra(E),
Mumbai-400 051.

..Respondent(s)

To exercise the extraordinary powers of judicial superintendence under Article 227 of the Constitution of India, and direct the Honble DRT Coimbatore, to emergently take MA No.37 of 2026 in SA.No.1011 of 2025 on the file of Honble DRT, Coimbatore, and until such time, grant an order of emergent interim injunction restraining the Respondent Bank from taking any coercive measures under SARFAESI Act, 2002, pending the disposal of MA No.37 of 2026 in SA.No.1011 of 2025 on the file of the Hon'ble DRT, Coimbatore.

For Petitioner(s): Mr.P.V.Balasubramainam
Senior Counsel
For Mr.Surya Teja SS Nalla

For Respondent(s): No Appearance

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

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Prayer sought herein is to direct the Debts Recovery Tribunal, Coimbatore, to emergently take M.A.No.37 of 2026 in S.A.No.1011 of 2025 on the file of the Debts Recovery Tribunal, Coimbatore, and until such time, grant an order of interim injunction, restraining the respondent Bank from taking any coercive measures under SARFAESI Act, 2002, pending the disposal of MA No.37 of 2026 in SA.No.1011 of 2025 on the file of the Debts Recovery Tribunal, Coimbatore.

2. The petitioners already approached the Debts Recovery Tribunal, where, they filed M.A.No.37 of 2026 in S.A.No.1011 of 2025 on the file of the Debts Recovery Tribunal, Coimbatore. The prayer sought herein is to direct the Debts Recovery Tribunal, Coimbatore, to take up and decide the said MA within a timeframe to be stipulated by this Court.

3. We have heard *Mr.P.V.Balasubramaniam*, learned Senior Counsel appearing for *Mr.Surya Teja SS Nalla*, learned counsel for the petitioners. Though notice having been served and the name of the learned Standing Counsel for the respondent Bank has been shown in the cause-list, none present for the respondent. Be that as it may, since the prayer is very innocuous in nature, we are inclined to dispose of this writ petition at this stage.



4. It is submitted by the learned Senior Counsel appearing for the petitioners that, the total due account, as per the OTS which they accorded earlier, is Rs.3.27 crores, out of which, Rs.1 crore had been paid and some more amount has been paid subsequently. Therefore, by considering the *bona fide* on the part of the petitioners, some indulgence could be shown by this Court by giving directions, to take up the MA and decide the same, to the Debts Recovery Tribunal, Coimbatore, at the earliest and in the meanwhile, some protection order may be passed against the proposed possession proceedings taken by the secured creditor.

5. Considering the said nature of the case, we are inclined to dispose of this civil revision petition with the following orders:-

(i) That, there shall be a direction to the Debts Recovery Tribunal, Coimbatore, to take up M.A.No.37 of 2026 in S.A.No.1011 of 2025 and decide the same on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

(ii) In this regard, two weeks' period is granted to seek interim protection with regard to the possession of the property, for which, yet another application could be filed, if it is advised to do so by the civil revision petitioners, and if filed, that could be decided by the Debts Recovery Tribunal within two weeks' period from the date of receipt of such application.



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(iii) The proposal made by the respondent secured creditor to take possession of the property in question, belonging to the petitioners, could be halted only for the limited period of two weeks alone, within which, it is open to the petitioners to approach the Debts Recovery Tribunal and secure any alternate protection mechanism.

6. With these, the writ petition is disposed of. No costs.
Consequently, C.M.P.No.5706 of 2026 is closed.

(R.S.K.,J.) (N.S.,J.)
26-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

(drm)



To:

1. The Debts Recovery Tribunal, Coimbatore.

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R.SURESH KUMAR J.
AND
N.SENTHILKUMAR J.

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