

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P.No.11262 of 2016

Nageena Farhath

Petitioner

Vs.

1. The Registrar,  
Debts Recovery Tribunal - III, Chennai.
2. B. Sujatha
3. Minor Niveditha  
represented by Mother and Natural Guardian  
B. Sujatha
4. Vitta Bai
5. Sundaram BNP Paribas Home Finance Ltd.  
represented by its Manager  
Registered Office at  
No.21, Pattulos Road, Chennai 600 002.

Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the Hon'ble Debt Recovery Tribunal-III, Chennai, to dispose of I.A.Sr.Nos.1002 and 1003 of 2015 in S.A. No.81 of 2014 on merits within a time frame.

For Petitioner : Mr. M. Easan

For R5 : Mr. K.J. Parthasarathy

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. K.J. Parthasarathy, learned counsel, accepts notice for the fifth respondent. Notice to the other respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the

fifth respondent, the writ petition is taken up for final disposal.

2. This writ petition is filed seeking a writ of mandamus directing the Debts Recovery Tribunal-III, Chennai, to dispose of I.A.Sr.No.1002 of 2015 in S.A. No.81 of 2014, wherein, being the subsequent purchaser, the petitioner herein has sought impleadment in the pending SARFAESI Application preferred by respondents 2 to 4 herein and to dispose of I.A. Sr. No.1003 of 2015, wherein, the petitioner has sought a direction to the fifth respondent herein to receive the loan amount from her and return back the deposited title deed to her.

3. According to the learned counsel for the petitioner, no order has been passed in the aforestated Interlocutory Applications. Hence, the instant writ petition seeking the aforestated relief.

4. Be that as it may, without expressing any opinion on the merits of the case, to meet the ends of justice, we direct the first respondent, viz., the Registrar, Debts Recovery Tribunal-III, Chennai, to consider the aforestated applications on their own merits and take a decision before the SARFAESI Application is taken up for final hearing, for which, the learned counsel for the fifth respondent herein has no objection.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

cad

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Registrar,  
Debts Recovery Tribunal - III, Chennai.

+ 1 cc to Mr.K.J.Parthasarathy, Advocate Sr 20178

+ 1 cc to Mr.M.Easan, Advocate Sr 20268

KR/6/4/16

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