IN THE DEBTS RECOVERY TRIBUNAL –I AT CHENNAI

Dated this 19th Day of May, 2026

PRESENT: SHRI A.S.JAYACHANDRA
Presiding Officer

M.A. No.05 & 06 of 2026
In Dy.No.67 of 2024
[O.A. No.146 of 2013 – DRT-II, Chennai]

M/s.Gaynor Builder & Developers Private Limited,
Regd. Office at:-
1st Floor, DLF Gateway Tower, 'R' Block,
DLF City, Phase-III, Gurugram,
Harayana – 122002. **. . . PETITIONER / 3rd PARTY**

-Vs-

1. **Punjab National Bank,**
   Asset Recovery Management Branch,
   PNB Towers, Mezzanine Floor,
   R.H. Road,
   Chennai – 600014.

2. **Exim Rajathi India Pvt. Ltd.,**
   Flat No.B-22, Agasthiya Apartments,
   Old No.605, New No.590,
   T.H. Road, Chennai – 600081.

3. **Mrs. M.Chandrika,**
   W/o Late N.Murughasan,
   No.12, Perumal West Street,
   Nagapattinam – 611001.

4. **Mr.M.Rajasekar,**
   S/o Late N.Murughasan,
   Flat No.B-22, Agasthiya Apartments,
   Old No.605, New No.590,
   T.H. Road,
   Chennai – 600081.

5. **Mr.Madan Prakash,**
S/o Late N.Murughasan,
Flat No.B-22, Agasthiya Apartments,
Old No.605, New No.590,
T.H. Road, Chennai – 600081.

6. **Mr.M.Lakshman,**
S/o Late N.Murughasan,
Flat No.B-22, Agasthiya Apartments,
Old No.605, New No.590,
T.H. Road, Chennai – 600081.

7. **Ms.Neena Murugesan,**
Flat No.B-22, Agasthiya Apartments,
Old No.605, New No.590,
T.H. Road, Chennai – 600081.

8. **Ms.Kumari M Ashita,**
Rep. by Mother and Guardian,
Ms.Neena Murugesan,
Flat No.B-22, Agasthiya Apartments,
Old No.605, New No.590,
T.H. Road, Chennai – 600081.

9. **Mrs. Jennifer Yassey,**
W/o Mr.N.G.Seah Hai,
No.56, Maxworth Nagar,
Kolapakkam Village,
Kancheepuram District.

10. **Ms.K.L.Sumy,**
D/o Lazer,
Flat No.6, Second Floor,
Old No.193, New No.228,
Royapettah High Road,
Mylapore, Chennai – 600004.

11. **Rajathi Properties Holdings Pvt. Ltd.,**
Rep. by its Directors,
Flat No.B-22, Agasthiya Apartments,
Old No.605, New No.590,
T.H. Road, Chennai – 600081.

12. Ms.B.Jayashree,
D/o M.Bhaskaran,
No.6/7, Sun City Apartments,
Flat No.A-5, 5th Floor,
Santhome High Road,
Mylapore, Chennai – 600004.

13. Mrs. D.Yasodha,
W/o Mr.D.Viswanathan,
No.9/14, No.139, Bazar Lane,
Mylapore, Chennai – 600004.

14. Rajathi Agencies,
Prop. Mrs. M.Chandrika,
No.12, Perumal West Street,
Nagapattinam – 611001.

15. The Sub Registrar,
Sub Registration Office,
Sunguvachatram,
No.790, Bangalore – Chennai Main Road,
[Opp. To Jain Finance], Sunguvachatram,
Chennai – 602106. **. . . RESPONDENTS / DEFENDANTS**

Ld. Counsel for Petitioners/3rd Party :- M/s.Aiyar & Dolia a/w Mr.P.R.Raman, Adv
Ld. Counsel for D1 :- M/s.P.S.Ganesh, Adv.

: - O R D E R - :

1. These Miscellaneous Petitions are filed under Section 19(25) of RDB Act, by a third party to the proceedings arising out of old OA No.146 of 2013 disposed by DRT-II, Chennai vide Final Order Dated 21.07.2017. The OA was allowed against the Defendants 1 to 13. Defendant No.14 was discharged. The plaintiff and the other Defendants in the OA are the Respondents to the present miscellaneous proceedings.

2. The prayer in MA 5 of 2026 is to raise the order of attachment dated 14.08.2013 passed in OA concerning the properties at Page – 11 of the Petition are:-

Sl. No.	Survey No.	Extent (in Acres)	Village	Title Document in favour of the Petitioner Company	Patta in favour of the Petitioner Company	Erst Title Document
1.	84	0.27	Senthamangalam	Sale Deed Doc.No. 14870/2007 Dt.26.12.2007	495	Sale Deed Dt. 24.7.2006, Regd as Doc. No. 6517/2006 in favour of D.Yasoda, 7th Respondent herein in the above OA and V.Govindammal.
2.	237/3	0.43	Pappankuzhi		573	
		0.70				

3. The Prayer in MA 6 of 2026 is to issue a direction to the Respondent No.15 the Sub-Registrar of Sunguvachatram, to the above effect of raising the attachment order.

4. The records of the original proceedings are transferred to this Tribunal owing to the change in the pecuniary jurisdiction and now on the records of this Tribunal in DRC No.10/2022.

5. It is noted in the instant proceedings by this Tribunal vide order sheet dated 28.01.2026 are as under:-

> *"The ld senior counsel also furnished a copy of the letter by the sub-Registrar addressed to the DRT – II dated 3.09.2025 seeking certain clarifications with regard to the attachment orders if any, concerning the properties mentioned in the letter.*
>
> *In view of the letter and also the affidavit filed by the Applicants, the Registry/ Recovery Officer is directed to inspect the disposed file and submit a report as regards any interim orders of attachment if found in the file concerning the properties mentioned in the letter of the Sub- Registrar. The MAs may be registered. In the meantime, the Applicants to serve the copies of these applications to the R-1 Bank.*

Notices to other Respondents are dispensed, in view of the peculiarities of the facts of this case.

Call on 16.02.2026."

6. Upon notice, the Respondent Bank had filed the objections to the prayers of the petitioner.

7. In the counter affidavit, it is contended that the order of attachment was passed by the Recovery Officer of DRT-II on 29.01.2019 and the same is still subsisting. There is no illegality in the order and the order ought to have been challenged by way of appeal and hence the application is not maintainable. All the properties mentioned in the OA Schedule are mortgaged to the bank. The failure or inaction on the part of the Sub-Registrar cannot be a ground for raising the attachment and the bank seeks dismissal of the IAs.

8. The Recovery Officer, had furnished the report submitting that:-

"The Survey numbers 241/2 and 273/3 in Pappankuzhi Village also form part of the schedule to the IA 326/2013.
Hon'ble Presiding Officer, DRT-II, Chennai had further directed the Registry vide order dated 05.08.2013 in IA 326/2013 to forward a copy of the order in IA 326/2013 to the concerned offices of the Sub-Registrar with a request to make necessary entries in the relevant Register and not to effect any registration in respect of the properties described in the schedule to the IA 326/2013. However, the letter of the Registrar, DRT-II, Chennai, forwarding the IA order (pertaining to Senthamangalam and Papankuzhi Villages) is not available in the file.
The above report has been prepared with the information available in our files. However, to avoid any discrepancy, the Applicant Bank i.e. Punjab National Bank, ARM Branch had been called for meetings on 04.02.2026, 23.02.2026 and 27.02.2026 in the chamber of the Recovery Officer-I, DRT-I, and the matter was explained to the Bank Officers. They were requested to submit a report giving the details of (i) the properties originally given in the schedule to the OA (ii) the properties, which were subsequently added/removed to/from the schedule of the OA and (iii) current status of the properties (whether the properties are sold in auction/yet to be sold)."

9. In the above backdrop, the grounds on which the relief sought are:-

(a) Though the properties are made part of schedule to the OA, the bank had filed an IA, which was allowed on 27.08.2015 and did not include the schedule properties. The schedule property was purchased in the year 2007 and the encumbrance certificate did not carry any mortgage.

(b) By an affidavit dated 21.11.2025 before the Recovery Officer, the bank admitted that the schedule property is not forming part of the recovery in DRC No.10/2022.

10. Heard the Ld. Sr. Counsel Jayesh B. Dolia and Sh. P.R.Raman, appearing for the petitioner and the Ld. Counsel Sh. P.S.Ganesh a/w Sh.Parivallal for the Bank.

11. During the course of arguments it is felt that in view of the similar applications cropping up in MA 1, 3 and 7 of 2026, the bank was directed to reply in writing whether the properties claimed by these petitioners are the subject matter of mortgage or not. The Bank had filed a counter affidavit. The Ld. Sr. Counsel appearing for the petitioners submitted that in view of the common objections filed by the bank dated 12.05.2026 at Para-8, the IAs may be allowed since the Bank had admitted the deletion of the properties claimed by the petitioners herein.

12. On the other hand, the Ld. Counsel appearing for the Bank submits that these petitions are not maintainable and this Tribunal cannot decide the title. It is submitted that the title of the petitioners is denied for want of knowledge and the title is to be established before the appropriate judicial forum.

13. Having heard the Ld. Counsel and after going through the records, this Tribunal is to answer "whether the lands claimed by the petitioners are the subject matter of recovery or not?"

14. To answer this point, Para – 8 of the written objections filed by the bank dated 12.05.2026 to the memo of the petitioners dated 15.04.2026 is perused. The Para-8

of the same admits certain Survey Nos. and certain extent of land that were deleted. Apart from the properties mentioned in the Table, the bank further admits that the other properties in the OA Schedule continue to be the mortgaged properties and are liable to be brought to sale. There are several properties deleted, which are set out in serial numbers 1 to 22 and there are properties at Sl.No.24 to 26, the attachment order is in vogue and shall not be raised.

15. Having gone through the table, this Tribunal is of the opinion that these petitions could be disposed of by the following order:-

:- O R D E R - :

(A) The Recovery Officer is directed to compare the schedules deleted as admitted by the bank with that of the schedule properties claimed by the petitioners.

(B) After such comparison, if the schedule properties mentioned in the petitions are not covered in the attachment, such an endorsement to that effect be issued to the petitioners.

(C) Such an endorsement be also communicated to the Sub-Registrar concerned who is the Respondent No.15 to the petitions.

16. MA No.5 & 6 of 2026 are disposed of accordingly. Other IAs filed by the Petitioners for advancing the date of hearing stands disposed of. The date assigned is 01.06.2026 is hereby cancelled.

Sd/-
(A.S.JAYACHANDRA)
PRESIDING OFFICER
DRT-I, CHENNAI

(Dictated to PS, typed by him in the System, corrected, signed and pronounced by me on this 19th Day of May, 2026)