

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5033 OF 1999

INDIAN BANK

Appellant (s)

VERSUS

C.R. VISHWANATHAN

Respondent(s)

(With appln(s) for impleading party and office report)

Date: 02/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. L. Nageshwar Rao, Sr.Adv.

Mr. RS. Sharma, Adv.

Mr. V.J. Francis,Adv.

Mr. Anupam Mishra, Adv.

Mr. CM. Jai Kumar, Adv.

For Respondent(s)

Mr. V. Ramasubramanian,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(S. Thapar)

(Phoolan Wati Arora)

PS to Registrar

Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5033 OF 1999

Indian Bank

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C.R. Vishwanathan

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O R D E R

The appellant i.e. Indian Bank filed an application under Section 19 of The Recovery of Debts Due to Banks & Financial Institutions Act, 1993, for recovery of Rs.2,62,64,459-64p together with interest. The respondent in the application was shown as one C.R. Vishwanathan. The cause-title was subsequently amended so as to implead the

respondent as under:

Mr. C.R. Viswanathan,  
Organising Secretary,  
Dr. J. Jayalalitha Gold Cup Invitation  
International Women's Football Tournament  
"LAKSHMI" No.9, Boat Club Road,  
Chennai 600 028

The recovery application was allowed by the Debts Recovery Tribunal, Chennai, vide its Order dated 27th February, 1998. By the said order the applicant (appellant herein) was held entitled to a Recovery Certificate for a sum of Rs.2,62,64,459-64p together with interest @ Rs.22.25% per annum from the date of filing of the application till the date of realisation with costs. The Certificate was issued against the account holder - Dr. J. Jayalalitha Gold Cup International Women's Football Tournament and its Committee. No Certificate was issued against C.R. Vishwanathan personally who was originally impleaded as respondent in the application under Section 19 of the Act.

The Bank filed an appeal against the said Order before the Debts Recovery Appellate Tribunal, Mumbai. The said appeal was dismissed on 27th February, 1998 vide order which is impugned in the present appeal.

The appellant has, in the course of pendency of this

appeal, filed an application for impleading State of Tamil Nadu as a party. We are afraid that the application cannot be allowed because on the face of it the claim against the State would be time barred. The application was filed on 7th April, 2001. On that date also the alleged claim against the State would be time barred, because the cause of action, according to the said application, arose on 10th August, 1994. Mr. L. Nageshwar Rao, learned senior counsel appearing for the appellant very fairly conceded that the respondent against whom the Recovery Certificate has been issued, has no legal status. It is neither a registered body nor it can be said to be a legal person.

We find no merit in this appeal. It is accordingly dismissed.

.....J  
(ARUN KUMAR)

.....J  
(R.V. RAVEENDRAN)

New Delhi,  
March 02, 2006

