

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2015

CORAM

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

W.P. No.31929 of 2014 and M.P. No.1 of 2014

P. Rajamani

Petitioner

vs.

1 The Authorised Officer
Bank of Baroda
No.45, Dr. Janganatthan Road (Opp. CMC)
Avinashi Road
Peelamedu
Coimbatore 641 004

2 The Recovery Officer
Debt Recovery Tribunal
O/o the Recovery Officer
No.1670 Trichy road
Ramanathapuram
Coimbatore 641 045

3 M.G. Plastics
No.447/4, Tirupur Main Road
Avinashilingam Post
Tirupur 641 654

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to consider the petitioner's representation dated 21.11.2014 in compliance of the award dated 09.11.2013 passed before the Lok Adalat, DRT, Coimbatore in O.A. No.43 of 2013 towards the claim made in O.A. No.43 of 2013.

For petitioner Mr. A. Kalaivanan
For R1 Mr. S. Mohan
for Mr. S. Pandurangan
R2 Tribunal
For R3 No appearance

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the first and second respondents to consider the petitioner's representation dated 21.11.2014 in compliance of the award dated 09.11.2013 passed before the Lok Adalat, DRT, Coimbatore in O.A. No.43 of 2013 towards the claim made in O.A. No.43 of 2013.

2 On 15.12.2014, the petitioner had filed an undertaking affidavit before this Court, assuring to pay a sum of Rs.10 lakhs out of the total amount of Rs.50 lakhs due and outstanding to the bank, as determined in the Lok Adalat in O.A. No.43 of 2013. It had been further undertaken by the petitioner that the remaining sum of Rs.40 lakhs would be paid by her in four equal instalments, at the earliest.

3 Thereafter, the matter was taken up for hearing on 08.01.2015. Despite the aforesaid undertaking given by her, the petitioner has not made any payment till date, to show her bona fides. Today, again, when the matter is taken up for hearing, the petitioner comes up with a plea that for want of an order from the bank, no deposit could be made.

4 We do not appreciate the contention of the learned counsel for the petitioner with regard to non-payment of the amount. However, taking into consideration, the submission made by the learned counsel for the first respondent bank, we grant two weeks' time, as a last opportunity, to the petitioner, to make the entire payment, may be in instalments, at any rate before 08.02.2015, failing which the first respondent bank is at liberty to take action in accordance with law and on merits.

5 The writ petition is disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

Dated:3.2.15

True Copy

Sub Assistant Registrar

To

1.The Authorised Officer
Bank of Baroda
No.45, Dr. Janganatthan Road (Opp. CMC)
Avinashi Road
Peelamedu
Coimbatore 641 004.

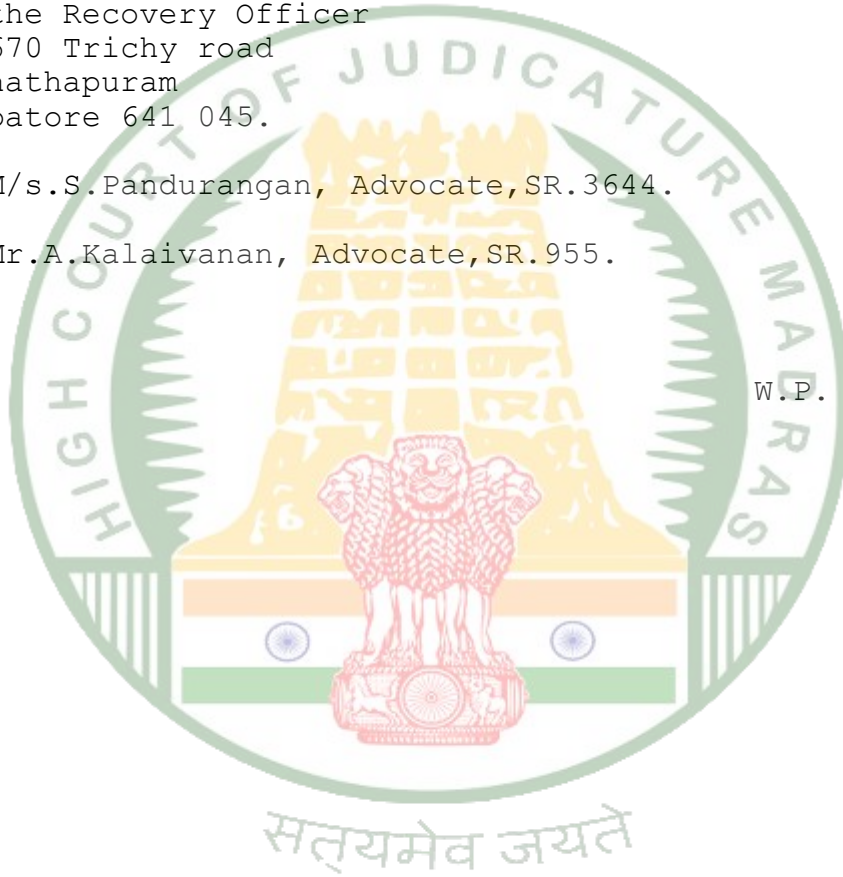
2 The Recovery Officer
Debt Recovery Tribunal
O/o the Recovery Officer
No.1670 Trichy road
Ramanathapuram
Coimbatore 641 045.

+1 cc to M/s.S.Pandurangan, Advocate,SR.3644.

+1 cc to Mr.A.Kalaivanan, Advocate,SR.955.

ala(co)
krd 5/2

W.P. No.31929 of 2014



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