IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 24777 of 2014
and
M.P. Nos.1 & 2 of 2014

Central Bank of India
Regional Office
Rep. by its Authorized Officer,
No.48/49 Montieth Road, Egmore ,
Chennai-8. ...Petitioner

Vs.

1 The Chair Person
DRAT (Debt Recovery Appellate Tribunal)
Chennai.

2 The Presiding Officer
DRT-III (Debt Recovery Tribunal) Chennai.

3 M/s. Spik & Span Construction
and Service Private Limited,
Rep. by its Director,
No.125 Second Floor,
100 Feet By Pass Road, Velachery,
Chennai-42.

4 Mr. V.Sankar
Flat G-3 Shree Aparments ,
8 Second Cross Street,
Kennady Nagar Anakaputhur,
Chennai- 70.

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5 Mr.S.Pandian
Flat No.4 Mohita Apartments,
Door No.27 Second Seward Road, Valmiki Nagar,
Thiruvanmiyur, Chennai-41.

6 Mr.R.Panneer Ramachandran
No.39 Second Stree,t Indira Nagar ,
Valasaravakkam, Chennai-87. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring that the appeal filed by the respondents 3 to 6 in AIR Bo.323/2014 before DRAT, Chennai, as Non est in law in view of consent order passed in M.A. No.68/2014 in S.A. No.213/2014 dated 22.05.2014 before DRT-I , Chennai. (Prayer amended as per order dated 16.9.2014 in MP No.3/14).

For petitioner : Mr. M.L. Ganesh

For respondents : Mr. K. Madhankumar
for
Mr. E. Narayanan for R3 to R6

ORDER

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

Learned counsel appearing for the petitioner-Bank submits that the interim order of the Debts Recovery Appellate Tribunal (for short "Appellate Tribunal") granting stay of the order passed by the Debts Recovery Tribunal (for short "Tribunal") was passed without considering the background of the case as there was consent decree between the parties for settlement of dispute.

2. At this stage, we are not inclined to go into that aspect as the matter is pending consideration before the Appellate Tribunal. However, we reserve liberty to the petitioner-Bank to file an application seeking modification of the order dated 5.9.2014 bringing all the facts to the notice of Appellate Tribunal. If such application is made, the Appellate Tribunal is directed to consider the same on its own merits and in accordance with law. The Appellate Tribunal is further directed to consider and dispose of the pending appeal expeditiously.

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3. This writ petition stands accordingly disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ra

To

1 The Chair Person
DRAT (Debt Recovery Appellate Tribunal)
Chennai.

2 The Presiding Officer
DRT-III (Debt Recovery Tribunal)
Chennai.

1 CC to Mr. E. Narayanan, Advocate SR.No. 11052

1 CC to Mr. M.L. Ganesh, Advocate SR.No. 10946

W.P. No.24777 of 2014
and M.P.No.1 of 2014

KM (CO)
PSI (10.03.2015)

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