

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. NOS. 13746 & 13747 OF 2016

P.S.Palani .. Petitioner in both petitions

- Vs -

1. Indian Bank
Asset Recovery Management Branch
Circle Officer Building
4th Floor, No.55, Ethiraj Salai
Chennai 600 008.
2. The Authorised Officer
Indian Bank
Asset Recovery Management Branch
Circle Officer Building
4th Floor, No.55, Ethiraj Salai
Chennai 600 008. .. Respondents in WP 13746/2016
1. Indian Bank
Mannady Branch (ARMB-II)
Chennai.
2. M/s.Malaysia Timber Suppliers
No.16, Sydenhams Road
Chennai 600 003.
3. S.N.K.M. Shahul Hameed
4. S.Jarina Begum .. Respondents in WP 13747/2016

W.P. No.13746 of 2016 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records pertaining to the order dated 18.3.2016 passed by the DRAT, Chennai, in AIR No.250 of 2015 and quash the same.

W.P. No.13747 of 2016 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records pertaining to the order dated 18.3.2016 passed by the DRAT, Chennai, in M.A. No.647 of 2010 and quash the same.

For Petitioner : Mr. S.Sethuraman

For Respondents: Mr. P.V.Muralidhar for R-1 in both WPs

COMMON ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

The present petitions have been filed against the impugned order passed by the Debts Recovery Appellate Tribunal (for short 'Appellate Tribunal') refusing to grant extension of time to the petitioner herein to deposit the balance 50% of the amount as ordered as pre-condition for hearing the appeal filed by the petitioner herein.

2. It is averred by the petitioner that he is neither a guarantor nor taken any loan from the respondent Bank. However, by filing copies of the title deeds pertaining to his property loan was obtained by the 2nd respondent in WP No.13747/16 and on his default, the properties belonging to him were brought to auction against which he moved the Debts Recovery Tribunal and Appellate Tribunal and after a prolonged battle, the Appellate Tribunal directed the petitioner to deposit 25% of the notice amount within a time frame in two instalments as condition precedent for hearing the matter. The petitioner, though paid the first instalment on time, however, could not muster the balance amount within the time prescribed by the Appellate Tribunal. Therefore, the petitioner filed an application for extension of time, which, after hearing, was denied by the Appellate Tribunal, against which the present petitions are filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent Bank and perused the materials available on record.

4. It is not in dispute that the Appellate Tribunal did not entertain the request of the petitioner for extension of time to pay the balance amount. Today, when the matter is taken up, learned counsel for the petitioner produced before the Court three Demand Drafts, bearing Nos.876022, 876124 and 876126 dated 21.4.2016 for a total amount of Rs.23 Lakhs, which, according to him is due to the respondent Bank towards the balance amount. Learned counsel for the respondent Bank submits that the Bank would have no objection in receiving the amount due to it from the petitioner. Accordingly, the learned counsel for the respondent Bank has also received the above three demand drafts totalling to a sum of Rs.23 Lakhs, which is due to the Bank from the petitioner.

5. In such view of the matter, the amount as directed to be deposited by the Appellate Tribunal having been paid by the petitioner and the respondent Bank also having accepted the same,

this Court directs that the time elapsed between the the dismissal order passed by the Appellate Tribunal, rejecting the extension application of the petitioner, and the order passed today by this Court would be treated as deemed extension of time granted by this Court for the petitioner to comply with the order passed by the Appellate Tribunal.

6. Accordingly, these writ petitions are disposed of directing the Appellate Tribunal to treat the default period as deemed extension granted by this Court and to number the matters and dispose of the same in terms of the order passed above and in accordance with law.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

GLN

To

1. Indian Bank
Asset Recovery Management Branch
Circle Officer Building
4th Floor, No.55, Ethiraj Salai
Chennai 600 008.
2. The Authorised Officer
Indian Bank
Asset Recovery Management Branch
Circle Officer Building
4th Floor, No.55, Ethiraj Salai
Chennai 600 008.

2 ccs to Mr.S. Sethuraman, Advocate, Sr. 30406, 30407

W.P. NOS.13746 & 13747 OF 2016

NM (CO)
kk 17/6

WEB COPY