IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.10700 of 2017
and
W.M.P.No.11652 of 2017

1 S.Dhanraj
2 Mrs.S.Amaravathi
3 Mrs.Geetha
4 Mr.S.Ramesh ... Petitioners

Versus

1 The Registrar,
Debts Recovery Tribunal III Chennai.

2 UCO Bank Pondicherry,
Main Branch rep. by its Chief Manager,
No.37 Rue Mahe De Labourdonnais,
Pondicherry 605 001. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the 1st respondent to dispose the application for setting aside ex-parte filed by the petitioners in I.A. No.1026 of 2016 in O.A. No.337 of 2015 on merit in accordance with law before passing any ex-parte decree in the main O.A. No.337 of 2015.

For petitioner : Mr.P.R.Thiruneelakandan

ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned counsel appearing for the petitioner for some time.

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2. The writ petition has been filed seeking issuance of a writ of mandamus to direct the 1st respondent to dispose the application in I.A. No.1026 of 2016 in O.A. No.337 of 2015 for setting aside ex-parte order dated 12.2.2016 passed in O.A.No.337 of 2015, on merit in accordance with law before passing any ex-parte decree in the main O.A. No.337 of 2015.

3. It appears that the the Debts Recovery Tribunal-III, Chennai has granted some time to the appellants to deposit the principal amount for setting aside the ex parte order passed in O.A.No.337 of 2015, but, instead of depositing the same, the petitioner intends to drag on the matter. Therefore, we are of the view that no positive direction could be given to the Debts Recovery Tribunal to dispose of the petition seeking to set aside the ex parte order.

4. The writ petition is disposed of accordingly. However, we make it clear that it is for the petitioner to deposit the amount as directed by the Debts Recovery Tribunal and seek for setting aside the ex parte order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.
To:
1 The Registrar,
Debts Recovery Tribunal III, Chennai.

2 The Chief Manager,
UCO Bank Pondicherry,
Main Branch,
No.37 Rue Mahe De Labourdonnais,
Pondicherry 605 001.

+1cc to Mr.P.R.Thiruneelakandan, Advocate Sr.25746

W.P.No.10700 of 2017

msm[co]
srg 16/06/2017

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