In the High Court of Judicature at Madras

Dated : 11.09.2017

Coram

The Honourable Mr.Justice **S. MANIKUMAR**
and
The Hon'ble Mr.Justice **M. DHANDAPANI**

C.R.P(NPD) No.2939 of 2017
and
CMP No.13884 of 2017

N. Santhanam .....Appellant

..vs..

1. Punjab & Sind Bank,
International Banking Division,
No.770-A, Spencer Towers, Ground Floor,
Anna Salai,
Chennai – 600 002

2. M/s Jayalakshmi Enterprises,
Partnership Firm, rep by its Partner,
and having its office at
" Jothi Lakshmi Apartment",
No.11, East Main Road,
Lakhmi Nagar, 4th Stage,
Nanganallur,
Chennai – 600 061

3. S. Veeraraghavan

4. v. Lakshhminarasimhan

5. V. Sampathkumar

6. Lalitha Lakshminarasimhan ....Respondents

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Civil Revision Petition filed under Article 227 of the Constitution of India against the Order dated 19.07.2017, made in I.A.No.809 of 2017 in A.I.R No.40 of 2015 on the file of Debts Recovery Appellate Tribunal at Chennai.

For Appellants : Mr.N. Nandakumar

ORDER

(Order of the court was delivered by **S. MANIKUMAR, J.,**)

The Civil Revision Petition has been filed against the the Order dated 19.07.2017, made in I.A.No.809 of 2017 in A.I.R No.40 of 2015 on the file of Debts Recovery Appellate Tribunal at Chennai.

2. The Debt Recovery Appellate Tribunal, Chennai, by Interim Order dated 19.7.2017 in I.A.No.809 of 2017 in AIR No.40/2015, imposed a condition that the appellant should make pre-deposit of Rs.18,00,000/-, (of which, Rs.9,00,000/- to be paid by the appellant within four weeks from the date of order, as first part of payment and Rs.9,00,000/- to be paid within four weeks thereafter, as second part of payment) with the Registry of the Tribunal for

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entertaining the appeal or else, the appeal would stand dismissed automatically without reference to any order to be passed by the Tribunal.

3. While doing so, the Tribunal has directed that I.A.No.809 of 2017 in AIR No.40/2015 to be listed for confirmation of pre-deposit of the first part of the payment made by the appellant on 17.08.2017. The appellant/revision petitioner has not deposited, but has assailed the correctness of the interim order. By virtue of the conditional order, by this time, the Tribunal would have dismissed the appeal itself.

4. Needless to state that the interim order merges with the final order in AIR No.40/2015 and therefore, challenge to the interim order does not survive on its own, when the appeal itself would have been dismissed. Giving liberty to the petitioner to challenge the final order in AIR No.40/2015 on the file of Debt Recovery Appellate Tribunal, Chennai, Civil Revision Petition is dismissed. No costs. Consequently, connected CMP is closed.

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(S.M.K.J.,) (M.D.I.J.,)
11-09-2017

sr

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Index:yes/no
website:yes/no

S. MANIKUMAR,J.,
AND
M. DHANDAPANI,J.,

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To

The Debts Recovery Appellate Tribunal at Chennai.

CRP(NPD)No.2939 of 2017

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