

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN
AND

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12703 of 2017

1 R.Prashanth
2 R.Praveen ... Petitioners

Vs.

1 The Grain Merchant Cooperative Bank Ltd.
rep. by its Authorized Officer
No.2, Pampa Mahakavi Road
Chamrajapet, Bengaluru - 560 018.
2 Mekal Engineering Works
A Partnership Firm, rep. by its Partners
No.91/19, Tank Bund Road
Bengaluru- 560 018.
3 Shanthamma
4 M.P.Srinivas
5 A.Meera
6 P.Manjula
7 M.S.Mallappa
8 The Registrar (DRAT)
Debt Recovery Appellate Tribunal, Chennai
4th Floor, Indian Bank Circle Office
55, Ethiraj Salai, Chennai-08. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for records pertaining to AIR.160 of 2017 and quash the final order dated 8th May, 2017 passed by the 8th respondent.

For Petitioners

: Mr.M.Velmurugan
for M/s.R and P Partners

ORDER

(Order of the Court was made by R.Mahadevan,J.)

By an order dated 4.4.2017 passed in AIR (SA) 160 of 2017, the eighth respondent/Debt Recovery Appellate Tribunal, Chennai, directed the petitioners to make a pre-deposit of Rs.30 Lakhs within four weeks from the said date, for admitting the appeal. The petitioners complied with the condition for pre-deposit, but with one day's delay. The application filed by the petitioners seeking condonation of delay in making pre-deposit was dismissed by the eighth respondent by order dated 8.5.2017. Calling into question the said order dated 8.5.2017, the present writ petition is filed.

2. Admittedly, the petitioner complied with the condition imposed by the eighth respondent with one day's delay. The petitioners admit that the delay was due to inadvertence in calculating the time period granted by the eighth respondent for making such pre-deposit.

3. Considering the facts and circumstance of the case, we are inclined to condone the delay of one day in making the pre-deposit so as to entertain the appeal by the eighth respondent. Accordingly, we set aside the impugned order dated 8.5.2017 passed by the eighth respondent and direct the eighth respondent to accept the compliance as made by the petitioners and hear the appeal on merits and dispose of the same in accordance with law, after giving opportunity to the parties concerned.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.13529 to 13531 of 2017 are closed.

Sd/-

Deputy Registrar (V.O)

/true copy/

Sub Asst. Registrar

sasi

To:

The Registrar (DRAT)

Debt Recovery Appellate Tribunal, Chennai

4th Floor, Indian Bank Circle Office

55, Ethiraj Salai, Chennai-08.

+1cc to M/s.R & P Partners Advocate sr.37545

W.P.No.12703 of 2017

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