

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.33139 of 2017
and WMP No.36541 of 2017

1. M/s.New Lines Business India Pvt. Ltd.,
Having Registered Office at
Flat No.4, E Block,
599, Anna Salai, Gemini Parsn Apartments,
Chennai - 600 006,
Represented by its Director.

2. A. Ramakrishnan @ Ramki

3. Mrs. R.Nirosha ... Petitioners

vs.

1.The Debts Recovery Appellate Tribunal,
4th Floor - Indian Bank Circle Office,
No.55, Ethiraj Salai, Egmore,
Chennai - 600 008.

2. Indian Overseas Bank,
Represented by its Assistant General Manager,
Gemini Circle Branch,
No.297, Cathedral Road,
Chennai - 600 086.

3. Corporation Bank,
Mylapore Branch,
Represented by its Chief Manager,
Temple Square,
No.22, North Mada Street,
Mylapore, Chennai - 600 004.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, calling for the records of the 1st respondent which culminated in the impugned order dated 15.06.2017 in A.I.R.No.344/2016, quash the same.

For Petitioners : Mr.A.K.Sriram

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Though, correctness of the order made in I.A.No.329 of 2016 dated 15.05.2017 and order made in AIR No.344 of 2016 dated 15.06.2017 on the file of the DRAT, Chennai, have been challenged, Mr.A.K.Sriram, learned counsel for the petitioners submitted that within two weeks from today, the petitioners would make a pre-deposit of Rs.10.25 Lakhs, as ordered by the DRAT, Chennai, for entertaining the appeal. Submission is placed on record.

2. Going through the material on record, we are of the view that rights of the petitioners, can be protected, if time is granted to make the pre deposit. Exercise of powers under Article 226 of the Constitution of India, is equitable and to render substantial justice. Therefore, with the modification of the final order made in AIR No.344 of 2016, dated 15.06.2017, giving extension of time of two weeks from today to make pre-deposit of Rs.10.25 Lakhs with the Registrar of DRAT, Chennai, instant writ petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

3. On such deposit, within the time, as ordered in this writ petition, Registrar of DRAT, Chennai is directed to process the appeal papers and if the same is in order, assign regular appeal number and place it before the DRAT, Chennai.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ars

To

1.The Debts Recovery Appellate Tribunal,
4th Floor - Indian Bank Circle Office,
No.55, Ethiraj Salai, Egmore,
Chennai - 600 008.

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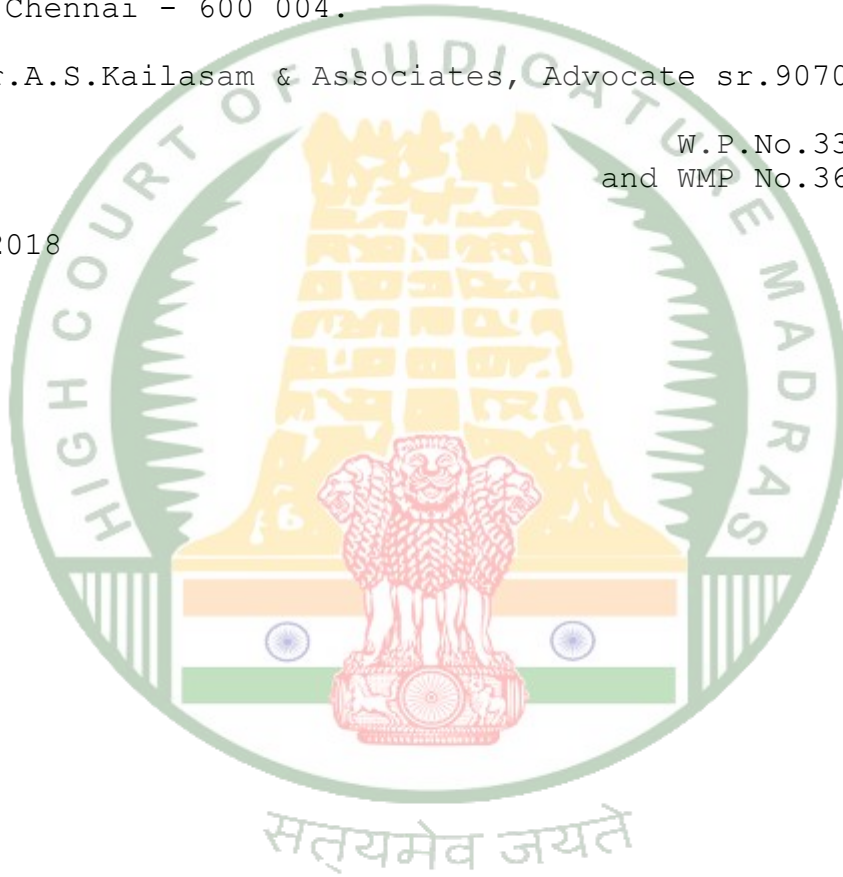
2. The Assistant General Manager,
Indian Overseas Bank,
Gemini Circle Branch,
No.297, Cathedral Road,
Chennai - 600 086.

3. The Chief Manager,
Corporation Bank,
Mylapore Branch,
Temple Square,
No.22, North Mada Street,
Mylapore, Chennai - 600 004.

+1cc to Mr.A.S.Kailasam & Associates, Advocate sr.90700

W.P.No.33139 of 2017
and WMP No.36541 of 2017

nr 12/01/2018



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