

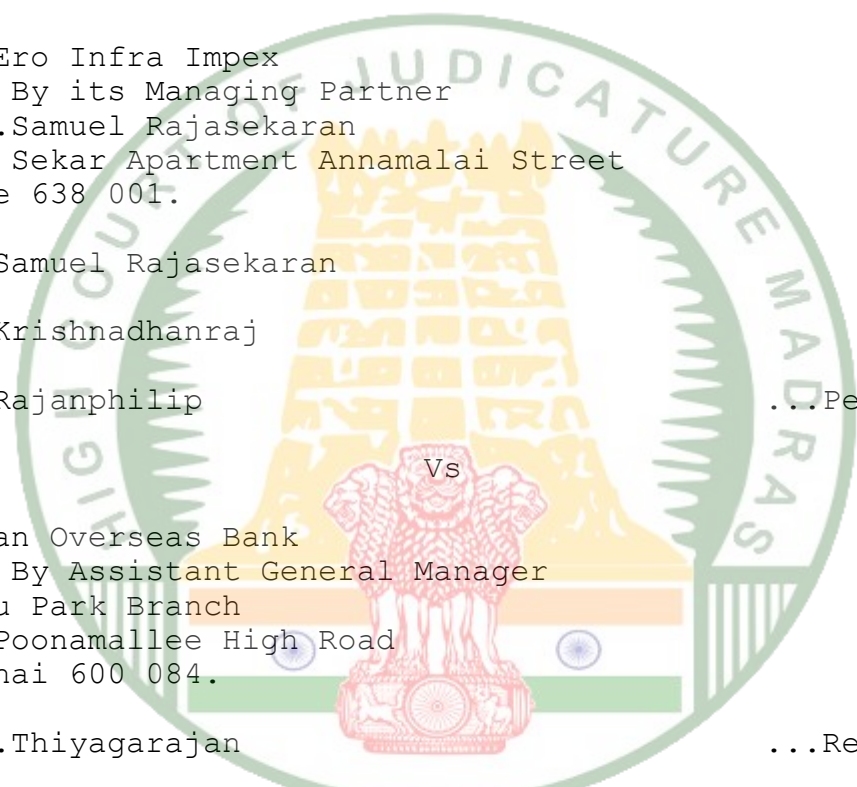
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/9/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.24920 of 2017

- 
1. M/s. Ero Infra Impex
rep. By its Managing Partner
Mr.B.Samuel Rajasekaran
78/9 Sekar Apartment Annamalai Street
Erode 638 001.
2. Mr.B.Samuel Rajasekaran
3. Mr.S.Krishnadhanraj
4. Mr.P.Rajanphilip ...Petitioners
- Vs
1. Indian Overseas Bank
rep. By Assistant General Manager
Nehru Park Branch
872 Poonamallee High Road
Chennai 600 084.
2. Mr.S.Thiyagarajan ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the records of the order dated 16/6/2017 made in A.I.R.No.342 of 2016, on the file of the Debt Recovery Appellate Tribunal, Chennai and quash the same.

For Petitioner ... Mr.V.M.Venkatramana

O R D E R

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

Vide, proceeding, dated 16/6/2017, made in A.I.R.No.342/16 (MA No.3/2016 in O.A.No.306 of 2014), the Debts Recovery Appellate Tribunal, Chennai, directed the appellants therein, to

deposit 25% of the debt amount of Rs.44.41 lakhs, and further, directed the writ petitioners to make pre-deposit of Rs.12 lakhs, with the Registrar of the said Tribunal, out of which Rs.6 lakhs to be paid, within four weeks, from 16/6/2017, as part of first payment and the second part of payment of Rs.6 lakhs to be paid by another four weeks, thereafter.

2. Debts Recovery Appellate Tribunal, Chennai, has also made it clear that in the event of failure of any part of the payment, the appeal would stand dismissed automatically, without further any further reference to the Tribunal. Debts Recovery Appellate Tribunal, Chennai has directed the Registry, to list the matter for confirmation of pre-deposit of first payment of the appellants by 14/7/2017.

3. Conditional order has not been complied with, but challenged in the writ petition. By this time, the appeal would have been dismissed, automatically, without any reference to the orders of the Tribunal. Interim proceeding, dated 16/6/2017, impugned before us, would merge with the dismissal of the appeal. In such circumstances, no purpose would be served in adjudicating the correctness of the interim order.

4. Giving liberty to the writ petitioner, to challenge the final order made in the appeal, writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Debts Recovery Appellate Tribunal, Chennai

2. The Assistant General Manager
Indian Overseas Bank
Nehru Park Branch
872 Poonamallee High Road
Chennai 600 084.

+1cc to M/S.Dhana Law Associates, Advocate Sr. 67703

W.P.No.24920 of 2017

SKV(CO)
VR(13/10/2017)