

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM:

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

W.P.No.27304 of 2017
and
WMP Nos.29148 & 29149 of 2017

Mrs.A.Maheswari ... Petitioner

vs.

Indian Bank,
rep. by its Authorised Officer,
Micro ARM Branch
No.555, Ethiraj Salai,
Ground Floor, Chennai - 600 008. ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the order dated 20.07.2017 passed in I.A.No.303/2017 in AIR (SA) No.25/2017 on the file of DRAT, Chennai and quash the same and consequentially direct the DRAT, Chennai to take the AIR (SA) No.25 of 2017 on the file and hear the same without insisting on pre-deposit as mandated u/s.18(1) of the SARFAESI Act.

For Petitioner : Mr.G.Moses
For Respondent : Ms.Umayyal

ORDER

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

Order impugned in W.P.No.27304 of 2017, is the proceedings dated

20.07.2017, wherein, while disposing of I.A.No.303 of 2017, DRAT, Chennai

has directed pre deposit of Rs.9 Lakhs, to be made before 17.08.2017,

failing which, AIR SA No.25 of 2017, would be dismissed, without further reference to the orders of the tribunal. As there was failure, in complying with the conditional order, subsequently, appeal filed in AIR SA No.25 of 2017 has been dismissed on 17.08.2017, which has been challenged in W.P.No.27305 of 2017. Grounds challenging the interim order and final order, are same.

2. When the main appeal, in AIR SA No.25 of 2017, has been dismissed on 17.08.2017 and that when the same is challenged in W.P.No.27305 of 2017, we are of the view that challenge to the interim order dated 20.07.2017, does not survive. Interim order has merged with the final order, which is challenged in W.P.No.27305 of 2017.

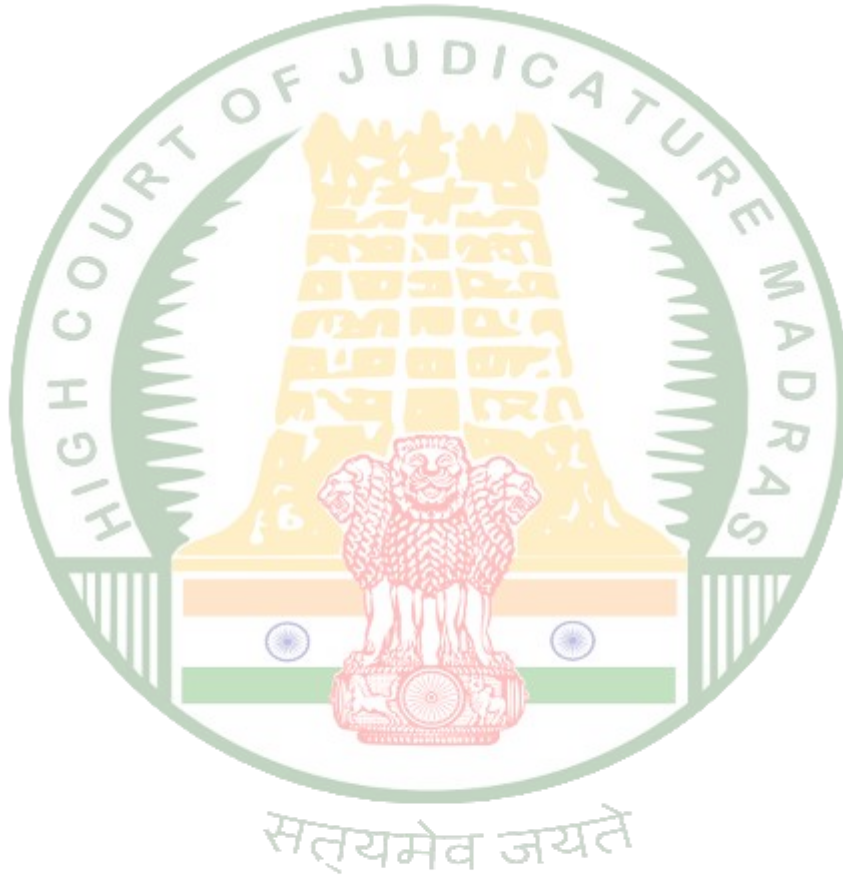
3. For the abovesaid reasons, while dismissing W.P.No.27304 of 2017, we reserve the right of the writ petitioner to urge all tenable grounds, regarding pre deposit, in the latter writ petition ie. W.P.No.27305 of 2017. Writ Petition No.27304 of 2017, is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

(S.M.K., J.) (R.P.A., J.)
04.12.2017

Index: Yes.
Internet: Yes
Speaking/Non speaking

To

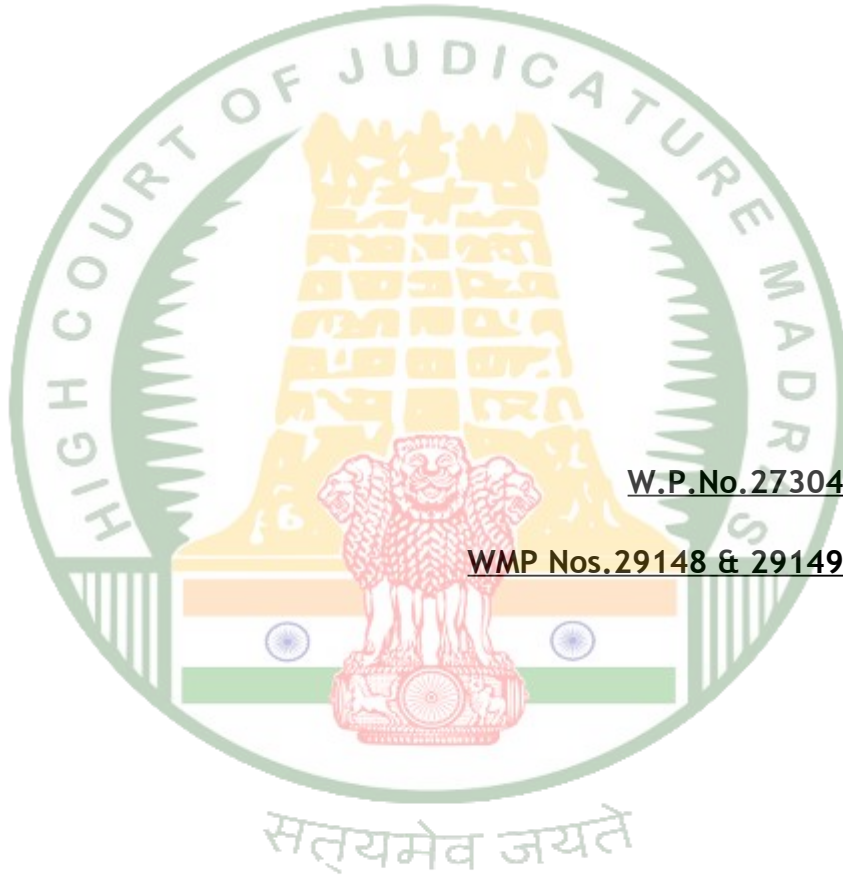
The Authorised Officer,
Indian Bank,
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S.MANIKUMAR, J.
AND
R.PONGIAPPAN, J.

ars



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27.11.2017