

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.29267 to 29270 and 29343 to 29346 of 2017

W.P.No.29267 of 2017 to WP.29270/2017

MRS.SHIRIN IQBAL
REP. BY HER POWER OF ATTORNEY
MRS.ARJUMAND ABDULLAH ... PETITIONER IN ALL THE WPS

VS.

1. INDIAN BANK,
MADRAS GEORGE TOWN BRANCH,
NO.155, THAMBU CHETTY STREET,
CHENNAI - 600 001.

2. M/S.HAMOSONS APPARELS (P) LTD.,
REP. BY ITS PARTNER

3. M/S.HAMOSONS,
REP. BY ITS PARTNERS.

4. MR.ABDUL RAZAK OSMAN

5. MR.MOHAMMED HANIF OSMAN

MRS. ZUBEIDA OSMAN (SINCE DECEASED)

6. MRS.MUNIRA HAROON,
REP. BY HER POWER OF ATTORNEY

7. THE REGISTRAR,
DEBTS RECOVERY APPELLATE TRIBUNAL,
CHENNAI.

... RESPONDENTS IN WP 29267/2017

WP.NO.29268/2017

1 MRS.SHIRIN IQBAL W/O. IQBAL
ABDULLAH REP. BY HER POWER OF ATTORNEY
MRS.ARJUMAND ABDULLAH ... PETITIONER

-VS-

- 1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1
- 2 M/S.HAMOSONS
A PARTNERSHIP FIRM
REP. BY ITS PARTNERS

MRS.ZUBEIDA OSMAN (SINCE DECEASED)
- 3 MR.ABDUL RAZAK OSMAN
- 4 MR.MOHAMMED HANIF OSMAN
- 5 M/S.HAMOSONS APPARELS (P)
LTD. REP. BY ITS PARTNERS (DEFENDANTS 3 TO 5)
- 6 MRS.MUNIRA HAROON REP. BY HER
POWER OF ATTORNEY MRS.ARJUMAND ABDULLAH
- 7 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENT

WP.NO.29269 OF 2017

- 1 MRS.SHIRIN IQBAL
W/O. IQBAL ABDULLAH
P.O.BOX NO.2756,
AJMAN, UNITED ARAB EMIRATES ... PETITIONER

-VS-

- 1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1
- 2 M/S.HANIF BROS.
A PARTNERSHIP FIRM REP. BY ITS PARTNERS D5
TO D8
- 3 MRS.ZUBEIDA OSMAN (SINCE DECEASED)
- 4 NARGIS ABDUL RAZAK
- 5 MR.MOHAMMED HANIF OSMAN

6 MRS.FARZANA HANIF OSMAN
7 MS.RIZWANA ABDUL RAZAK
8 MR.ABDUL RAZAK OSMAN
9 MRS.MUNIRA HAROON REP. BY HER
POWER OF ATTORNEY MRS.ARJUMAND ABDULLAH
10 M/S.HAMOSONS A PARTNERSHIP
FIRM REP. BY ITS PARTNERS (DEFENDANTS 1 3
4 AND 5)
11 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENTS

WP.NO.29270/2017

1 MRS.SHIRIN IQBAL
W/O. MR. IQBAL ABDULLAH
P.O.BOX NO.2756,
AJMAN, UNITED ARAB EMIRATES ... PETITIONER

-VS-

1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1

2 M/S.HAJEE MOOSA
MRS.ZUBEIDA OSMAN (SINCE DECEASED)

3 NARGIS ABDUL RAZAK

4 MR.MOHAMMED HANIF OSMAN

5 MRS.FARZANA HANIF OSMAN

6 MR.RIZWANA ABDUL RAZAK

7 MR.ABDUL RAZAK OSMAN

8 MRS.MUNIRA HAROON REP. BY HER
POWER OF ATTORNEY MRS.ARJUMAND ABDULLAH

9 M/S.HAMONSONS
REP. BY D3 D5 AND D8 AND HAMOSAN APPARELS
PVT. LTD.

10 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENTS

WP.NO.29343/2017

1 MRS.MUNIRA HAROON REP. BY HER
POA MRS.ARJUMAND ABDULLAH ... PETITIONER

-VS-

1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1

2 M/S.HAMOSONS APPARELS (P)
LTD.

3 M/S.HAMOSONS

4 MR.ABDUL RAZAK OSMAN

5 MR.MOHAMMED HANIF OSMAN

MRS.ZUBEIDA OSMAN (SINCE DECEASED)

6 MRS.SHIRIN IQBAL

7 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL
CHENNAI ... RESPONDENTS

WP.NO.29344/2017

1 MRS.MUNIRA HAROON REP. BY HER
POA MRS.ARJUMAND ABDULLAH ... PETITIONER

-VS-

1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1

2 M/S.HAMOSONS A PARTNERSHIP
FIRM REP. BY ITS PARTNERS

MRS.ZUBEIDA OSMAN (SINCE DECEASED)
3 MR.ABDUL RAZAK OSMAN
4 MR.MOHAMMED HANIF OSMAN
5 M/S.HAMOSONS APPARELS (P)
LTD. NO.18 REP. BY ITS PARTNERS
(DEFENDANTS 3 TO 5)
6 MRS.SHIRIN IQBAL
W/O.MR.IQBAL ABDULLAH
7 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENTS
WP.NO.29345/2017

1 MRS.MUNIRA HAROON REP. BY HER
POA MRS.ARJUMAND ABDULLAH ... PETITIONER

-VS-

1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1

2 M/S.HANIF BROS.
MRS.ZUBEIDA OSMAN (SINCE DECEASED)

3 NARGIS ABDUL RAZAK

4 MR.MOHAMMED HANIF OSMAN

5 MRS.FARZANA HANIF OSMAN

6 MS.RIZWANA ABDUL RAZAK

7 MR.ABDUL RAZAK OSMAN

8 MRS.SHIRIN IQBAL

9 M/S.HAMOSONS A PARTNERSHIP
FIRM REP. BY ITS PARTNERS (DEFENDANTS 1 3
4 AND 5)

10 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENTS

WP.NO.29346/2017:

1 MRS.MUNIRA HAROON REP. BY HER
POA MRS.ARJUMAND ABDULLAH ... PETITIONER

-VS-

1 INDIAN BANK
MADRAS GEORGE TOWN BRANCH NO.155 THAMBU
CHETTY STREET CHENNAI-1

2 M/S.H.M.HAJEE MOOSA
MRS.ZUBEIDA OSMAN (SINCE DECEASED)

3 NARGIS ABDUL RAZAK

4 MR.MOHAMMED HANIF OSMAN

5 MRS.FARZANA HANIF OSMAN

6 MS.RIZWANA ABDUL RAZAK

7 MR.ABDUL RAZAK OSMAN

8 MRS.SHIRIN IQBAL
W/O.MR.IQBAL ABDULLAH

9 M/S.HAMOSONS
A PARTNERSHIP FIRM REP. BY ITS
PARTNERS (DEFENDANTS 1 3 4 AND 5)

10 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI ... RESPONDENTS

COMMON PRAYER:

WRIT Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified Mandamus, calling for the records of the DRAT with respect to the orders dated 21.09.2017 in I.A.Nos.855 to 858 and 871 to 874 of 2013 in AIR Nos.507 to 514 of 2013 and quash the same as being non reasoned, illegal and arbitrary and consequently, direct the DRAT to hear the appeals on merits.

For Petitioner : Mrs.Ananda Gomathy
in all W.Ps.

COMMON ORDER

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

As facts and submissions are common, all the writ petitions are taken up together and disposed of by a common order.

2. What is challenged in the instant writ petitions, is interim orders passed in waiver applications dated 21.09.2017, directing the petitioners herein to make 25% of the debt amount. In the event of failure in complying with the order of pre-deposit, DRAT, Chennai has stated that the appeals would stand dismissed, automatically without reference to the order passed in the waiver applications. Accordingly, waiver applications have been disposed of. DRAT, Chennai has directed the Registry to post the waiver petitions for confirmation on 20.10.2017.

3. Though, Ms.Ananda Gomathy, learned counsel for the petitioners assailed the correctness of the interim orders, during the course of hearing, submitted that consequent to the failure of the writ petitioners depositing pre-deposit as ordered, appeals in AIR Nos.507 to 514 of 2013, have been dismissed.

4. Petitioners have not complied with the interim / conditional orders. Needless to state that challenge to interim order does not survive, when the main appeal is rejected. If there is any challenge to the order of rejection of appeal, and ultimately, if such rejection is set aside, for any reasons, then the orders, if any passed at the interim stage, would revive, but on the facts and circumstances of this case, in our considered opinion, the converse, is not permissible.

5. For the reasons stated supra, challenge made in these writ petitions, have already reached finality. Therefore, giving liberty to the writ petitioners, to raise all tenable grounds to challenge the final orders, instant writ petitions are dismissed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

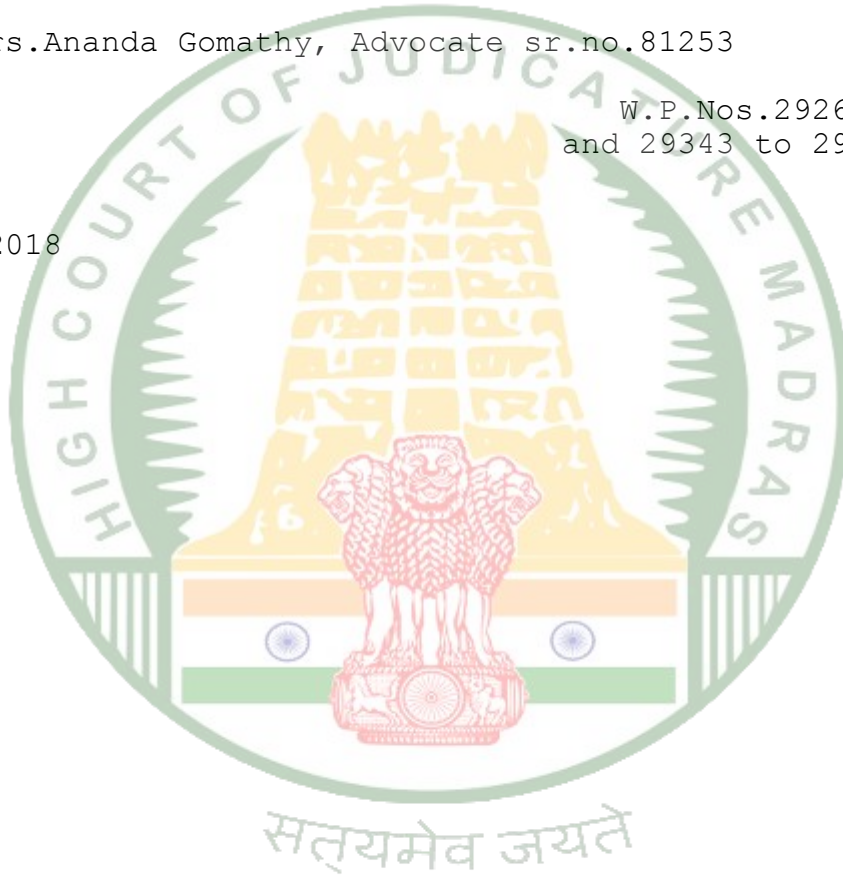
1. The Manager,
Indian Bank,
Madras George Town Branch,
No.155, Thambu Chetty Street,
Chennai - 600 001.

2. The Registrar,
Debts Recovery Appellate Tribunal,
Chennai.

+lcc to Mrs.Ananda Gomathy, Advocate sr.no.81253

W.P.Nos.29267 to 29270
and 29343 to 29346 of 2017

NMI (CO)
NR 04/01/2018



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