



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.8613 of 2017

and

W.M.P.Nos.6536 and 6537 of 2017

Esther Jeyarani

.. Petitioner

Vs.

1. State Bank of India,
Thoothukudi SME Branch
306 Beach Road,
Thoothukudi.

2. The Debt Recovery Tribunal
Madurai.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the entire records pertaining to the order passed by the 2nd respondent in I.A.No.1156 of 2016 in S.A.No.217/2016 vide its order 18.04.2017 and set aside the same and consequently give effect to the earlier order passed by the 2nd respondent in the aforesaid I.A. On 07.06.2016.

For Petitioner : Mr.R.Anand

For Respondents : Mr.Pala Ramasamy for R1

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

By consent of both sides, the writ petition is taken up for final disposal at the admission stage.

2.Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3. This writ petition has been filed challenging the order passed by the Debt Recovery Tribunal dismissing the petitioner's application in S.A.No.217/2016 for non compliance of the conditional order passed by the Tribunal on 07.06.2016. The Tribunal granted an order of interim injunction subject to payment of Rs.18 lakhs in two installments to Rs.9 lakhs each. The first to be paid on or before 07.07.2016 and the second installment before 08.08.2016. The petitioner would state that a sum of Rs.5 lakhs was paid by him and thereafter, she had filed a petition for



extension of time in I.A.No.1978/2016 and the application for extension of time was pending before the Tribunal.

4. When the case came up for hearing on 18.04.2017, it is stated that the counsel, who has been engaged by the petitioner had passed away and therefore, the husband of the petitioner appeared before the Tribunal, whose appearance was not entertained. On account of the fact that conditional order was not complied, the application was dismissed without even taking note of the application filed for extension of time.

5. Be that as it may, since the Tribunal was prima facie satisfied that the interim order was granted subject to conditions, we are inclined to grant some more time for the petitioner to comply with the same. The petitioner is directed to pay a sum of Rs.18 lakhs, less the amount already paid, pursuant to the interim order, on or before 30.06.2017. It is made clear that no further extension of time will be granted. Subject to the said condition, there will be an order of interim injunction. The Tribunal is directed to take up the matter in July 2017 and if the petitioner has complied with the interim order, then it shall proceed with the matter in accordance with law or else, it is open to the Tribunal to pass appropriate orders.

With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. State Bank of India,
Thoothukudi SME Branch
306 Beach Road,
Thoothukudi.

2. The Debt Recovery Tribunal
Madurai.

+1cc to Mr.Pala Ramasamy, Advocate Sr.No.55070
+1CC TO M/S.R.ANAND ADVOCATE SR.No. 21673
rr
vb/rsk/sar1/24.05.2017/2p/4c