

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No.6616 of 2014

ORDER: (per SK, J)

This writ petition was filed assailing the order dated 22.01.2013 passed by the Debts Recovery Appellate Tribunal, Chennai, in M.A.No.9 of 2008 confirming the order dated 26.10.2007 passed by the Debts Recovery Tribunal, Visakhapatnam, in I.A.No.636 of 2007 in O.A.No.209 of 2002.

The said I.A. was filed by the petitioners herein for permission to file an additional written statement in the O.A. The Tribunal took note of the fact that all the pleas sought to be raised were legal pleas and could be argued at the time of hearing. The I.A. was accordingly dismissed. In appeal, the Debts Recovery Appellate Tribunal, Chennai, upheld the order on the ground that the issues sought to be raised in the additional written statement were only legal pleas and therefore did not require foundational pleadings. The appeal was accordingly dismissed.

Sri J.V. Suryanarayana, learned senior counsel representing Sri T. Lakshminarayana, learned counsel for the petitioners, would contend that the bank did not produce the entire ledger of

accounts from inception and by reason of a mere ledger extract, it could not mulct any liability upon the petitioners without proving each entry in a manner known to law. He would submit that an additional written statement would be required in this context.

We are however not persuaded to agree. As to whether the bank has produced the entire ledger or only a ledger extract is a matter of record. Basing on this fact, as evident from the record, it would always be open to the petitioners to put forth such legal pleas as are available to them and an additional written statement would therefore not be required. We therefore find no grounds to interfere with the orders under challenge.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

27th JUNE, 2017.

GUDISEVA SHYAM PRASAD, J

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