

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9334 of 2018
and WMP No.11129 of 2018

Kavita Prahaladaka Petitioner

vs.

1. Authorised Officer,
State Bank of India,
Thousand Lights Branch,
No.37B, First Floor, Whites Road,
Chennai - 600 004.

2. Chennai Jute Company,
Represented by its Managing Partner,
Anil Kumar Agarwal,
No.6, Ramanan Road,
Elephant Gate, Chennai 600 079.

3. Anil Kumar Agarwal.
4. Manju Agarwal.
5. Suraj Agarwal.
6. Akash Deep Agarwal
7. Savita Agarwal

8. Debts Recovery Appellate Tribunal,
Rep. by its Registrar,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, 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, calling for the records in respect of impugned order dated 15.03.2018 passed in AIR (SA) 390 of 2016 by the 8th respondent Hon'ble DRAT, Chennai and quash the same and direct the 8th respondent to waive the conditional deposit by the petitioner.

For Petitioner : Mr.K.V.Bhashyam Chari

ORDER

(Order of the Court was made by S.MANIKUMAR, J)
Order dated 15.03.2018, made in AIR (SA) No.390 of 2016, impugned in this writ petition is extracted hereunder:

"Ld. Counsel Mr.Durairaj for Appellant present.

Ld. Counsel Mr.N.Rajendra for R1 present.

Proof of service filed. R2 to R7 served. None for R2-R7 today and called absent.

Heard IA No.146/2018, which is an application filed for amendment of cause title.

In view of the fact of merger of State Bank of Hyderabad to State Bank of India amendment seems to be necessary, hence IA is allowed and disposed of.

Appellant counsel is directed to carry out amendment of cause title of R1 within a week and file clean amended copy.

Ld. counsel for R1 files memo or vakalat of M/s.S.Pandurangan today.

Appellant Counsel is directed to supply copies of Paper Book and copies of typed set of papers to R1 counsel.

In view of the fact that this matter pertains to recovery of a sum of Rs.2.40 Crores and impugned order was passed on 22.08.2016, hence after passing of more than 17 months, the appeal is still pending.

In such a situation huge amount is pending, no sympathy can be extended, hence Appellant is directed to deposit a sum of Rs.1.20 Crores, only thereafter all IAs will be entertained.

In the event of failure in complying with the order of this Tribunal, the Appeal shall stand dismissed automatically for want of mandatory compliance.

List for confirmation of deposit by Appellant and for consideration of all IAs by 12.04.2018."

2. For non-compliance Interlocutory Application, filed for waiver of pre-deposit, has been dismissed and consequently, AIR (SA) No.390 of 2016, has been rejected.

3. Though, petitioner has assailed the correctness of the interim order, Mr.K.V.Bhashyam Chari, learned counsel for the petitioner seeks permission to withdraw the writ petition. He has also made an endorsement to that effect.

4. Placing on record the above, WP.No.9334 of 2018, is dismissed as withdrawn. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Authorised Officer,
State Bank of India,
Thousand Lights Branch,
No.37B, First Floor, Whites Road,
Chennai - 600 004.

2. Debts Recovery Appellate Tribunal,
Rep. by its Registrar,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, Chennai - 600 008.

+2cc to Mr.K.V.BHASHYAM CHARI, Advocate, S.R.No. 27970

W.P.No.9334 of 2018
and WMP No.11129 of 2018

RJI (CO)
TR(26/04/2018)

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