

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.6939 of 2013

S.John Clement Raj

.. Petitioner

Vs.

1. Repco Home Finance Limited  
Rep. by its Manager  
No.34, III Floor, Vanuvas Plaza  
Singarathope, Trichy - 8.
2. S.Vijayalakshmi
3. The Registrar  
The Debt Recovery Appellate Tribunal  
Chennai
4. The Registrar  
The Debts Recovery Tribunal  
Madurai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in I.A.No.1886 of 2010 in AIR (SA) No.1122 of 2010 (SA.No.256 of 2008 on the file of DRT, Madurai) and quash the same and to direct the 3rd respondent to decide the petition on merits.

For Petitioner : Mr.P.Chandrasekarar

For Respondents : No appearance

ORDER

(Order of the Court made by M.DURAIWAMY,J.)

The petitioner has filed the above writ petition to issue a Certiorarified Mandamus to call for the records of the 3rd respondent in I.A.No.1886 of 2010 in AIR (SA) No.1122 of 2010 (S.A.No.256 of 2008 on the file of the Debts Recovery Tribunal, Madurai), to quash the same and direct the 3rd

respondent to decide the same on merits.

2. Consistently, there is no representation for the respondents.

3. Challenging the order passed in S.A.No.256 of 2008 on the file of the Debts Recovery Tribunal, Madurai, the petitioner filed an appeal in AIR (SA) No.1122 of 2010 with a delay of 43 days in filing the appeal. The Debt Recovery Appellate Tribunal, Chennai, by its order dated 12.11.2012, dismissed the application.

4. Since the petitioner has satisfactorily explained the reasons for the delay, in the interest of justice, the Debt Recovery Appellate Tribunal should have condoned the delay and allowed the petition to prosecute the appeal, in accordance with law.

5. We are convinced with the reasons stated by the petitioner for condonation of the delay. Therefore, in the interest of justice and in order to give an opportunity to the petitioner to prosecute the appeal, we are inclined to condone the delay.

6. Accordingly, the order dated 12.11.2012, passed by the Debt Recovery Appellate Tribunal, is set aside and the delay of 43 days in filing the appeal is condoned. The writ petition is allowed. No costs.

s/d-  
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

Rj

To

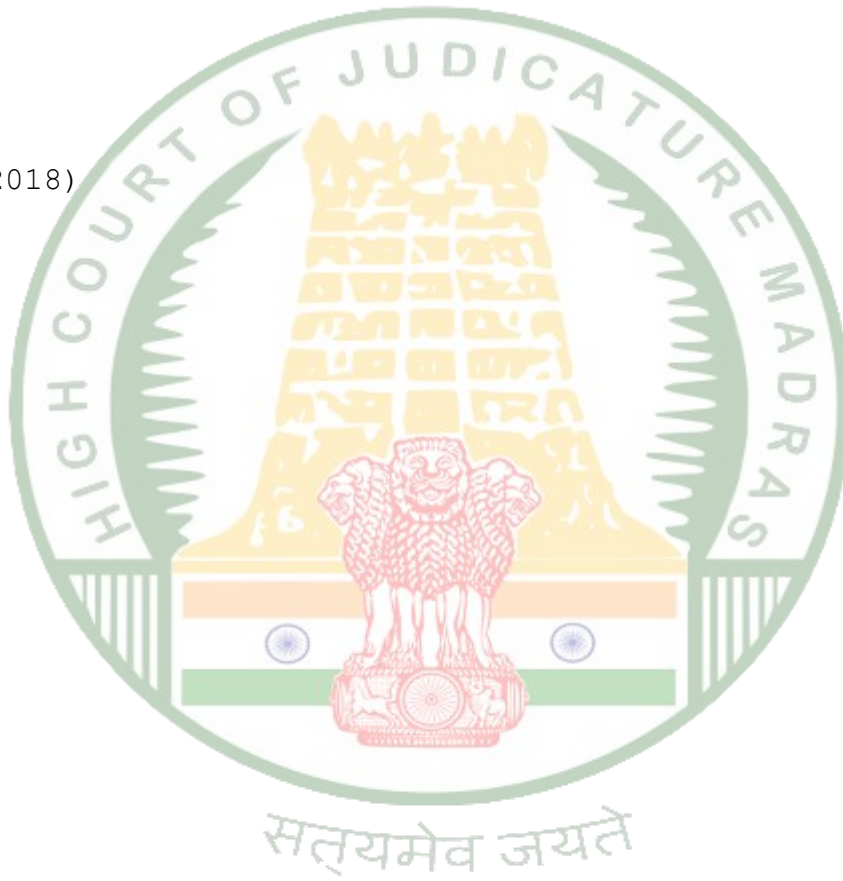
1. The Manager  
Repco Home Finance Limited  
No.34, III Floor, Vanuvas Plaza  
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2. The Registrar  
The Debt Recovery Appellate Tribunal  
Chennai

3. The Registrar  
The Debts Recovery Tribunal  
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W.P. No.6939 of 2013

RJ (CO)  
SP(10/10/2018)



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