

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16/2/2018

C O R A M

The Honourable Mr.Justice S.Manikumar
a n d
The Honourable Mrs.Justice V.Bhavani Subbaroyan

Writ Petition No.34204 of 2017
a n d
W.M.P.No.38083 of 2017

1. M/s. SMK Constructions
rep. By its Managing Partner
Mr.S.Mohankumar
G-20 Ahuja Haven
Nanjundapuram Road
Coimbatore 641 045.
2. Mr.S.Mohan Kumar ... Petitioners

Vs

The Authorised Officer
M/s. Bank of Baroda
Erode Branch
No.60 Thiruvengadasamy Street
Erode 638 001. Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the record of proceedings of the order dated 22/12/2017 passed in S.A.No.394 of 2017 on the file of the Debts Recovery Tribunal, Coimbatore, in respect of directing the petitioner to pay a sum of Rs.14,00,000/- (Rupees Fourteen lakhs only) as first instalment on or before 30/12/2017, quash the same.

For petitioners ... Mr.S.Venkatesan
for Mr.R.Bharath Kumar

For respondents ... Mr.V.Bhiman
for M/s. Sampath Kumar
Associates

O R D E R
(Order of the Court was made by S.Manikumar,J)

SMK Constructions and another have prayed for a writ of certiorari, to quash the proceedings, dated 22/12/2017, passed in S.A.No.394 of 2017, on the file of the Debts Recovery Tribunal, Coimbatore, by which the Tribunal directed payment of Rs.14 lakhs as first instalment, on or before 30/12/2017.

2. Earlier, on 28/12/2017, a Hon'ble Division Bench of this Court, passed the following order:-

"The learned counsel for the petitioners submitted that petitioners are unable to mobilise funds of Rs.14,00,000/- (Rupees Fourteen lakhs only) before 30/12/2017, in view of the fact that they received the impugned order only on 26/12/2017. In this background, the learned counsel for the petitioners offers to deposit the first instalment of Rs.14,00,000/- (Rupees Fourteen lakhs only), on or before 22/2/2018.

2. In our considered view, a sympathetic consideration can be taken after hearing the respondent. However, since the petitioners have made a bonafide offer, there shall be an order of interim stay of the order dated 22/12/2017 passed in S.A.No.394 of 2017 till 3/2/2018.

3. Notice to the respondent returnable by 3/2/2018. Private notice is also permitted.

List on 3/2/2018."

3. On this day, when the matter came up for hearing, one of the learned counsel on record, Mr.S.Venkatesan, seeks permission of this Court to withdraw the writ petition and he has also made an endorsement to that effect.

4. Placing on record the above, instant writ petition is dismissed as withdrawn. No leave is granted to file a fresh writ petition, on the same cause of action. No costs. Consequently, the connected Miscellaneous Petition is closed.

sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

mvs.

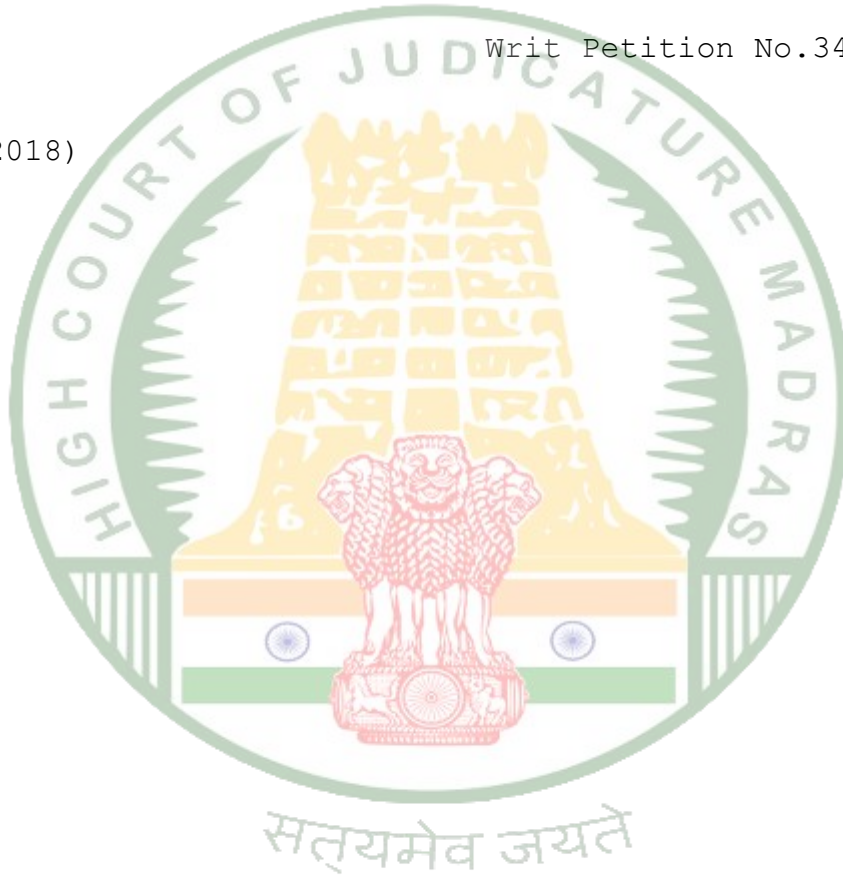
To

The Authorised Officer
M/s. Bank of Baroda
Erode Branch
No.60 Thiruvengadasamy Street
Erode 638 001.

+lcc to Mr.R.Bharath Kumar, Advocate SR.No.12613

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NM(CO)
GN(02/03/2018)



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