

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.09.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.21729 of 2018

and

W.M.P.No.25495 of 2018

Mysore Vasudev Gopi ... Petitioner

Vs.

1.India Bulls Housing Finance Ltd.,
India Bulls House,
No.448-451, Udyog Vihar,
Phase-V, Gurgaon - 122 017,
rep by its Authorized Officer

2.N.K.Manjula Gopi

3.The Registrar,
Debt Recovery Appellate Tribunal,
Indian Bank Building, 4th Floor,
Ethiraj Salai, Chennai - 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari calling for the records pertaining to order dated 20.07.2018 made by the Appellate Tribunal in I.A.No.434 of 2018 in AIR (SA) No.217 of 2018 on the file of the 3rd respondent and to quash the same.

For Petitioner : Mr.D.Durairaj
For Respondents : Mr.T.Saikrishnan (R1)
R2 - not ready in notice
R3 - Tribunal

O R D E R

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

The above Writ Petition has been filed by the petitioner to issue a Writ of certiorari to call for the records pertaining to order dated 20.07.2018 made by the Debt Recovery Appellate Tribunal in I.A.No.434 of 2018 in AIR (SA) No.217 of 2018 and to quash the same.

2.Challenging the order passed in I.A.No.1593 of 2017 in S.A.(SR).No.8780 of 2017 on the file of the Debts Recovery Tribunal - II, Bangalore, the petitioner preferred an appeal before the Debt Recovery Appellate Tribunal, Chennai in AIR (SA).No.217 of 2018. By order dated 20.07.2018, the petitioner was directed to make a pre-deposit of Rs.60 lakhs in 2 installments of Rs.30 lakhs each. Challenging this order, the petitioner has filed the above Writ Petition.

3.It is pertinent to note that when the matter came up for hearing on 27.08.2018, we have granted an order of interim stay on condition the petitioner depositing a sum of Rs.30 lakhs on or before 24.09.2018.

4.Now, it is represented by the learned counsel on either side that the petitioner had complied with the conditional order dated 27.08.2018 by depositing Rs.30 lakhs with the Registrar, Debt Recovery Appellate Tribunal, Chennai.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that instead of going into the merits of the order passed by the Debt Recovery Appellate Tribunal, Chennai, it would be suffice to grant eight weeks time to the petitioner to deposit the balance sum of Rs.30 lakhs as directed by the Debt Recovery Appellate Tribunal, Chennai.

6.The learned counsel appearing for the respondent - Bank also has no objection for granting time to the petitioner for making payment of the balance amount.

7.In view of the submissions made by the learned counsel on either side, we direct the petitioner to deposit a sum of Rs.30 lakhs on or before 12.11.2018. We make it clear that in the event of failure to make the deposit of Rs.30 lakhs on or before 12.11.2018, the appeal shall automatically stand dismissed for want of compliance. On making the deposit of Rs.30 lakhs within the stipulated time, the Debt Recovery Appellate Tribunal, Chennai shall decide the appeal filed by the petitioner on merits and in accordance with law.

8.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

va

Sd/-

Assistant Registrar(CS-V)

// True Copy//

Sub Assistant Registrar

To

1.The Authorized Officer
India Bulls Housing Finance Ltd.,
India Bulls House,
No.448-451, Udyog Vihar,
Phase-V, Gurgaon - 122 017.

2.The Registrar,
Debt Recovery Appellate Tribunal,
Indian Bank Building, 4th Floor,
Ethiraj Salai, Chennai - 600 002.

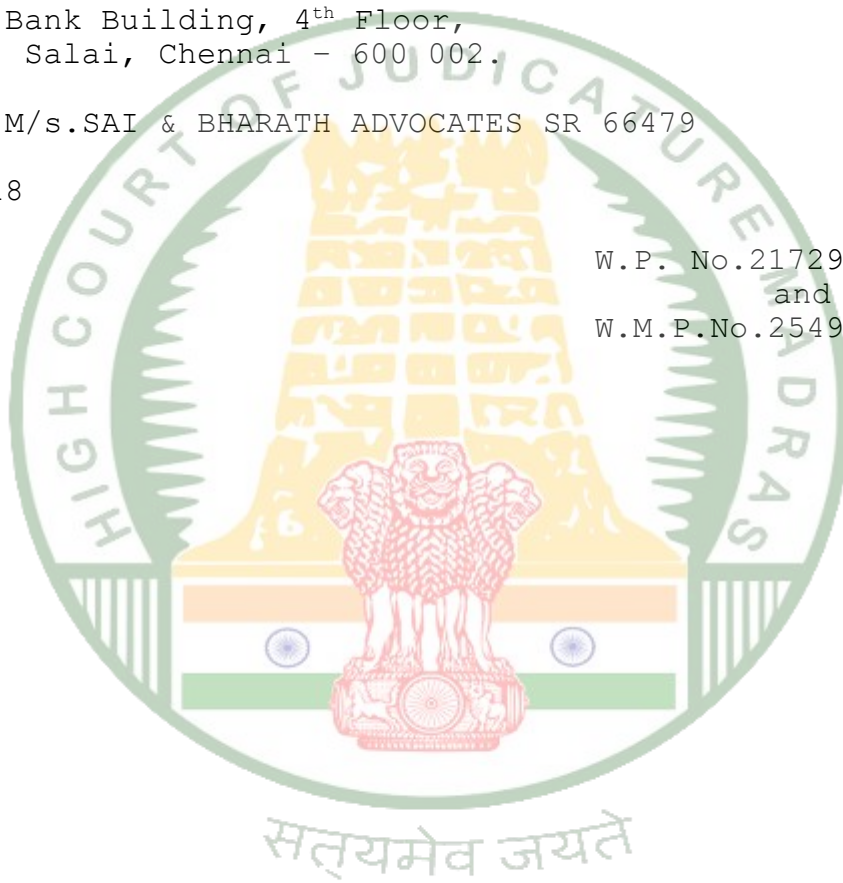
+ 1 CC TO M/s.SAI & BHARATH ADVOCATES SR 66479

KR/10/10/18

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