

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.22876 of 2018 and

W.M.P.No.26747 of 2018

1.S.Lalitha
2.Senthilvel

... Petitioners

v.

Bank of Maharashtra
Rep. by its Manager
Shenoy Nagar Branch
Shenoy Nagar
Chennai - 9.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the records pertaining to the order dated 01.08.2018 in AIR No.12 of 2018 on the file of DRAT, Chennai and quash the same as illegal and arbitrary.

For Petitioner : Mr.Balaji Sethuraman

For Respondents : Mr.S.Sathiyanarayanan

ORDER

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

The petitioners have filed the above Writ Petition to issue a Writ of Certiorari to call for the records pertaining to the order dated 01.08.2018 in AIR No.12 of 2018 on the file of the Debt Recovery Appellate Tribunal, Chennai and to quash the same.

2. Challenging the order passed in O.A.No.232 of 2016, on the file of the Debts Recovery Tribunal, -I, Chennai, the petitioners filed an appeal in AIR No.12 of 2018 before the Debt Recovery Appellate Tribunal, Chennai. Along with the appeal, the petitioners have also filed an application in I.A.No.164 of 2018 in AIR(RA) No.12 of 2018 under section 21 of Recovery of Debts Due To Banks & Financial Institutions Act, 1993 for waiver of pre-deposit.

3. Taking into consideration that the Debts Recovery Tribunal had decreed the O.A.No.232 of 2016 for a sum of Rs.21.94 lakhs, the Debt Recovery Appellate Tribunal, by order dated 04.07.2018, directed the petitioner to make a pre-deposit of Rs.8,00,000/- [Rupees eight lakhs only] within a period of four weeks.

4. Admittedly, the petitioners have not challenged the order dated 04.07.2018. Thereafter, the petitioners sought for extension of time before the Debt Recovery Appellate Tribunal, which was rejected by the Debt Recovery Appellate Tribunal, finding that no good ground was made out for any extension of time. Challenging this order, the petitioners have filed the above Writ Petition.

5. Now the only issue that has to be decided in this Writ Petition is whether the petitioners have made out a case for extension of time.

6. The learned counsel appearing for the petitioners submitted that the petitioners may be granted six weeks time for complying with the order dated 04.07.2018 for making the pre-deposit for the reason that the petitioners have to mobilize the fund for making the pre-deposit.

7. The learned counsel appearing for the respondent-bank submitted that already the Tribunal had granted sufficient time to make the pre-deposit of Rs.8,00,000/- [Rupees eight lakhs only].

8. Since the petitioners have stated that they have to mobilize the fund for making the pre-deposit, we are of the considered view that in the interest of justice, the petitioners can be granted six weeks time for making the pre-deposit. Accordingly, we extend the time for making the pre-deposit of Rs.8,00,000/- [Rupees eight lakhs only] by six weeks from the date of receipt of a copy of this order. In other aspects, the order dated 01.08.2018, passed by the Debt Recovery Appellate Tribunal, shall remain unaltered.

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

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

Rj

To

1. The Manager
Bank of Maharashtra
Shenoy Nagar Branch
Shenoy Nagar, Chennai - 9.

2. The Debt Recovery Appellate Tribunal, Chennai

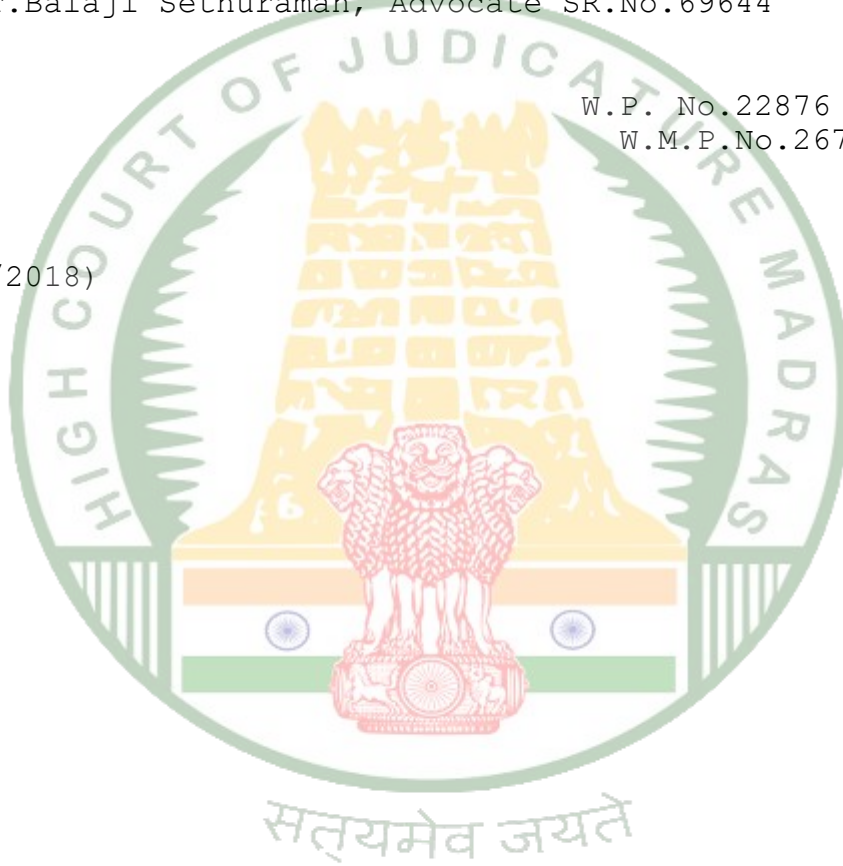
+1cc to Mr.S.Sathiyandarayanan, Advocate SR.No.69589

+1cc to Mr.Balaji Sethuraman, Advocate SR.No.69644

W.P. No.22876 of 2018 and
W.M.P.No.26747 of 2018

SV (CO)

GMV (26/10/2018)



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