

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.16905 of 2017

P.Lawrence

.. Petitioner

-vs-

1.The Bank Manager,
Indian Bank,
Anna Nagar Branch,
W-100, II Avenue, Anna Nagar,
Chennai - 40.

2.Kulothungan

3.S.Saraswathi

4.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the proceedings in I.A.No.378 of 2014 in AIR (SA) No.607 of 2013 on the file of the Debt Recovery Appellate Tribunal, Chennai, the 4th respondent and quash the order dated 07.06.2017 directing the petitioner to deposit a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) without any outstanding liability or debt to the 1st respondent bank and consequentially to grant total waiver of deposit of money as per Section 18 of SARFAESI Act as there is no liability/debt due to the 1st respondent bank, since the entire decree amount with interest and cost a sum of Rs.1,41,238/- was already deposited on 15.09.2014 in the civil court by virtue of decree dated 23.09.2013 and all actions under SARFAESI Act including 13(2)

Notice and Sale Notice initiated by the 1st respondent bank pursuant to the ex-parte decree has become null and void, in-operative after setting aside the ex-parte decree on 22.03.2013 which is prior to filing of appeal on 19.08.2013 before DRAT, Chennai.

For Petitioners : Mr.Mohana Kannan
for M/s.M.Udhaya Kumar

For Respondent : Mr.S.Rajendraanraghavan
for 1st respondent

R2 - Not Ready in Notice

R3 - No Appearance

R4 - Tribunal

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for the petitioner states that the writ petition has become infructuous as the auction purchaser has withdrawn his offer and taken back his money. The learned counsel also states that the Debt Recovery Appellate Tribunal has dismissed the appeal as infructuous.

2. In view of the statement made, the writ petition is dismissed as infructuous. No costs. Consequently, W.M.P.No.18369 of 2017 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

bbr
To

The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

+2cc to Mr.M.Udhaya Kumar, Advocate, S.R.No.87637

W.P.No.16905 of 2017

KJ(CO)
GSP(17/12/2018)