

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.30752 of 2018 and
W.M.P.No.35892 of 2018

K.A.Mansoor

.. Petitioner

Vs.

Authorized Officer,
Repco Bank,
Asset Recovery Management Branch,
Repco Tower, 33,
North Usman Road,
T.Nagar,
Chennai - 600 017.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records of the Debt Recovery Appellate Tribunal, Chennai relating to the impugned order dated 01.11.2018 in the un-numbered I.A.No..... of 2018 in un-numbered appeal in AIR No.534 of 2018, quash the same and consequently, direct the Debt Recovery Appellate Tribunal, Chennai to consider the un-numbered I.A.No..... of 2018 in unnumbered appeal in AIR No.534 of 2018 on merits and in accordance with law.

For Petitioner : Mr.S.Haja Mohideen Gisthi

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus calling for the records of the Debt Recovery Appellate Tribunal, Chennai relating to the impugned order dated 01.11.2018 in the un-numbered I.A.No..... of 2018 in un-numbered appeal in AIR No.534 of 2018, to quash the same and consequently, to direct the Debt Recovery Appellate Tribunal, Chennai to consider the un-numbered I.A.No..... of 2018 in unnumbered appeal in AIR No.534 of 2018 on merits and in accordance with law.

2.Challenging the order passed in S.A.No.208 of 2018 of the file of the Debts Recovery Tribunal - II, Chennai, the petitioner filed an appeal in AIR (SA) No.534 of 2018 before the Debt Recovery Appellate Tribunal, Chennai. The Debts Recovery Tribunal - II, Chennai, by order dated 30.08.2018, granted an order of status-quo on condition the petitioner paying 20% of the amount on or before 28.09.2018. Further, the Debts Recovery Tribunal made it clear that failure to comply with the condition will result in automatic vacation of the order. Challenging this order, the petitioner has filed an appeal before the Debt Recovery Appellate Tribunal. The Appellate Tribunal also confirmed the order passed by the Debts Recovery Tribunal and dismissed the appeal. Challenging the same, the present Writ Petition has been filed by the petitioner.

3.The Debts Recovery Tribunal, by order dated 30.08.2018, granted an order of status-quo subject to payment of 20% of the amount on or before 28.09.2018.

4.During the course of submission, the learned counsel appearing for the petitioner submitted that the petitioner may be granted sometime for complying with the conditional order. Further, the learned counsel submitted that in the event of compliance of the conditional order passed by the Debts Recovery Tribunal, the order of status-quo may be directed to be continued.

5.In view of the submission made by the learned counsel for the petitioner, the order passed by the Debt Recovery Appellate Tribunal and Debts Recovery Tribunal are confirmed. We grant four weeks time, from the date of receipt of a copy of this order, to the petitioner to comply with the conditional order dated 30.08.2018 passed by the Debts Recovery Tribunal - II, Chennai.

6.With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Co)

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Sub Assistant Registrar

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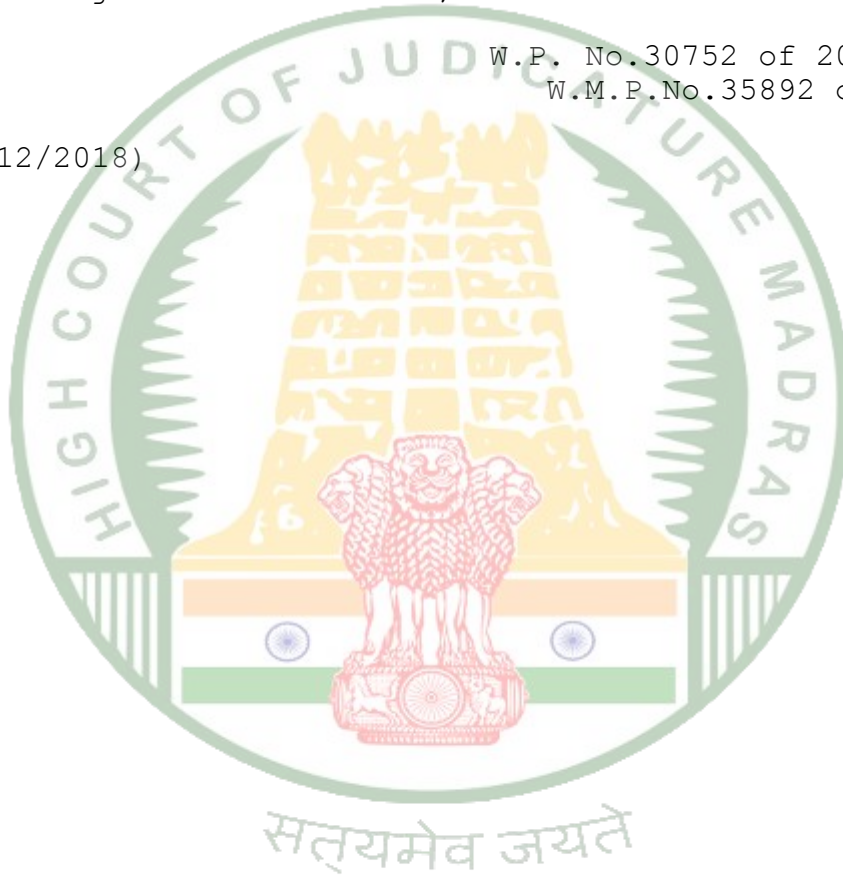
To

Authorized Officer,
Repco Bank,
Asset Recovery Management Branch,
Repco Tower, 33,
North Usman Road,
T.Nagar,
Chennai - 600 017.

+1cc to S.Haja Mohideen Gisthi, Advocate SR.No. 80018

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ASK(12/12/2018)



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