

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.7713 of 2019 and

W.M.P.No.8358 of 2019

Mrs.R.Chitra

.. Petitioner

v.

1. The Branch Manager
Indian Bank
Nadanthai Branch
Main Road, Namakkal.

2. The Chief Manager
Authorized officer
Indian Bank, Zonal Office
No.15/1, Dhivya Towers
III Floor, Fort Main Road
Salem-636 001.

3. The Debt Recovery Appellate Tribunal
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorari, to call for the records made in Impugned Order No.AIR (SA) No.591/2018 dated 14.02.2019 passed by the Debt Recovery Appellate Tribunal at Chennai, the third respondent herein and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mrs.S.R.Sumathy - for R1 & R2
R3 - Tribunal

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records made in the impugned order dated 14.02.2019 passed by the Debt Recovery

Appellate Tribunal, Chennai and to quash the same.

2. The petitioner preferred an appeal in A.I.R. (SA) No.591 of 2010 before the Debt Recovery Appellate Tribunal. In the said appeal, the petitioner also filed an application in I.A.No.1024 of 2018 for waiver of pre-deposit. The Debt Recovery Appellate Tribunal, by order dated 14.02.2019, directed the petitioner to make a pre-deposit of Rs.8,00,000/- [Rupees eight lakhs only] within a period of four weeks. While arriving at the said figure, the Debt Recovery Appellate Tribunal, taken note of the fact that in the notice issued under section 13(2) of the SARFAESI Act, the respondent-bank has claimed a sum of Rs.19.12 lakhs.

3. The learned counsel appearing for the petitioner submitted the petitioner has hard pressed for money, therefore, the amount of pre-deposit may be reduced.

4. Since the Debt Recovery Appellate Tribunal had directed the petitioner to deposit a sum of Rs.8,00,000/-, we are of the view that the said amount can be reduced to Rs.5,00,000/-.

5. The learned counsel appearing for the Bank has no objection for giving a direction to the petitioner to make a pre-deposit of Rs.5,00,000/-.

6. In these circumstances, we direct the petitioner to make a pre-deposit of Rs.5,00,000/- [Rupees five lakhs only] instead of Rs.8,00,000/- [Rupees eight lakhs only], within a period of two weeks from the date of receipt of a copy of this order.

With the above modification, the Writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Insp Cell)

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Sub Assistant Registrar

Rj

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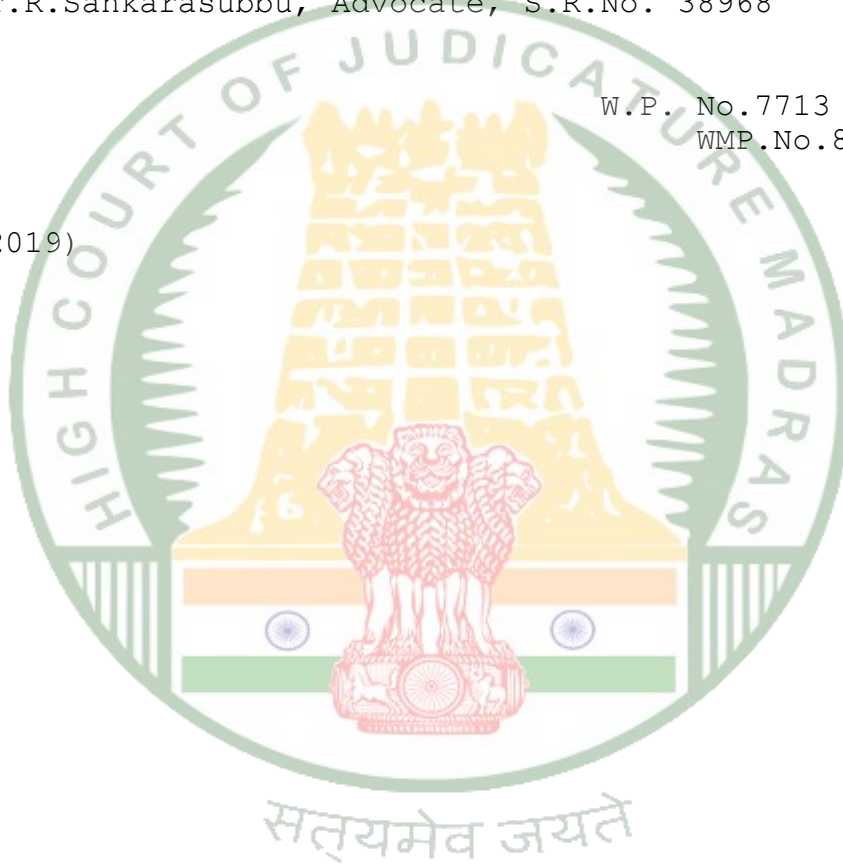
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+1cc to Mr.S.R.Sumathy, Advocate, S.R.No. 32195
+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No. 38968

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SPD (CO)
GN (03/05/2019)



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