

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.9689 of 2019 and
W.M.P.Nos.10295 and 10297 of 2019

1. M/s.Apple Agency,
Rep. by its Proprietor Mrs.G.Velumani,
W/o. Mr.M.Gandhi,
Office at 21/9, 100 feet road,
Bodinayakur 625 513.
 2. Mr.G.Prakash Kumar
 3. Mr.M.Kandasamy Servai
 4. Mr.M.Gandhi
- ... Petitioners

v.

1. The Registrar
Debt Recovery Appellate Tribunal
Chennai
 2. Canara Bank
Represented by Senior Manager,
Bodinayakanur
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorarified Mandamus to call for the records of the Debt Recovery Appellate Tribunal, Chennai, the 1st Respondent herein vide Proceedings dated 18.02.2019 AIR No.501 of 2018 (I.A.No318 of 2018 in O.A.No.427 of 2012 - on the file of DRT, Madurai) on the file of the said Appellate Tribunal and quash the order passed AIR No.501 of 2018 so far it relates to the direction to the petitioner to make a pre-deposit of Rs.4,50,000/- with the Registrar of the Debt Recovery Tribunal Chennai and quash the same and direct the Debts Recovery Appellate Tribunal, the 1st Respondent herein to hear and dispose the appeal of the petitioner without making any deposit amount.

For Petitioner : Mr.S.R.R.Raaghhvan
For Respondents : R1 - Tribunal
Mr.S.R.Sumathy - for R2

O R D E R

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

The petitioners have filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the Debt Recovery Appellate Tribunal, Chennai, in respect of the proceedings dated 18.02.2019 in A.I.R. No.501 of 2018, to quash the same so far it relates to the direction to the petitioner to make a pre-deposit of Rs.4,50,000/-.

2. The Debt Recovery Appellate Tribunal, by order dated 18.02.2019, directed the petitioners to make a pre-deposit of Rs.4,50,000/- taking into consideration the fact that a sum of Rs.14.97 lakhs was due and payable by them as of the year 2012.

3. Considering the outstanding amount of Rs.14.97 lakhs in the year 2012, directing the petitioners to make a pre-deposit of Rs.4,50,000/- is just and proper.

4. In these circumstances, we do not find any error or irregularity in the order passed by the Appellate Tribunal. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Registrar
Debt Recovery Appellate Tribunal
Chennai.

2. Canara Bank
Represented by Senior Manager,
Bodinayakanur.

+2cc to Mr.S.R.R.Raghavan, Advocate Sr.32295
+1cc to Mrs.S.R.Sumathy, Advocate Sr.32196

W.P. No.9689 of 2019 and
W.M.P.Nos.10295 and 10297 of 2019

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