

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.18695 of 2019
and W.M.P.No.18041 of 2019

1.M/s.Uday Indan Gas Service,
rep. By its Proprietor, Mr.C.Udayakumar.

2.C.Udayakumar
3.S.Rajendran
4.C.Jayapal
5.A.Ramani

.. Petitioners

-vs-

M/s.Axis Bank
Rep. By its Authorised Officer,
Arcot Plaza, Old No.38, New No.165,
Arcot Road, Kodambakkam,
Chennai 600 024.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the order passed by the Debts Recovery Appellate Tribunal, Chennai, in A.I.R. (S.A) 509/2018, dated 13.05.2019 and quash the same and direct the respondent to regularize the account of the petitioner.

For Petitioners : Ms.Thenmozhi Shivaperumal

For Respondent : Mr.N.Muthukumaran

* * * * *
O R D E R

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

The above writ petition has been filed to issue writ of certiorarified mandamus to call for the records of the order passed in A.I.R.(SA) 509/2018 dated 13.05.2019 on the file of Debts Recovery Appellate Tribunal, Chennai and quash the same and to direct the respondent to regularise the account of the petitioners.

2.The petitioners are challenging the order passed by the Debts Recovery Appellate Tribunal directing them to deposit a sum of Rs.1 crore as pre-deposit for entertaining the appeal in A.I.R.(SA) 509/2018, which has been filed as against the order passed by the Debts Recovery Tribunal-II, Chennai, in S.A.No.102 of 2018.

3.Though the petitioners have challenged the order passed by the Debts Recovery Appellate Tribunal in the waiver application in I.A.No.293 of 2019, the learned counsel appearing for the petitioners submitted that it would be suffice to grant two weeks time to the petitioners to make the pre-deposit of Rs.1 crore, as directed by the Debts Recovery Appellate Tribunal.

4.Mr.N.Muthukumaran, learned Counsel, taking notice on behalf of the respondent bank, submits that he has no objection for granting two weeks time to the petitioners to make the pre-deposit.

5.In view of the submissions made by the learned counsel on either side, we extend the time granted by the Debts Recovery Appellate Tribunal for a further period of two weeks to enable the petitioners to make the pre-deposit. Accordingly, the petitioners are directed to make the pre-deposit within two weeks from the date of receipt of a copy of this order before the Debts Recovery Appellate Tribunal, Chennai. On making the pre-deposit, the Appellate Tribunal shall decide the appeal in A.I.R.(SA) 509/2018 on merits and in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.18041 of 2019 is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra
To,
The Debts Recovery Appellate Tribunal, Chennai.

W.P. No.18695 of 2019
and W.M.P.No.18041 of 2019

A.SK(03/07/2019)