

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE  
AND  
The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.18475 of 2019

M.Jayamani

.. Petitioner

-vs-

1.Debt Recovery Appellate Tribunal,  
No.55, Ethiraj Salai,  
Chennai - 600 008.

2.Debt Recovery Tribunal-II,  
770-A, Anna Salai,  
Dewa Towers,  
Chennai - 600 002.

3.The Authorised Officer,  
M/s.Asset Reconstruction Co. (India) Ltd.,  
No.715-C, 7<sup>th</sup> Spencer Plaza Phase-II,  
No.769, Anna Salai, Chennai-600 002  
Now at : 1G, First Floor,  
No.560-562, Centuary Plaza,  
Anna Salai, Teynampet,  
Chennai - 600 018.

.. Respondents

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 1<sup>st</sup> respondent in AIR (SA) No.382 of 2017 dated 06.11.2017 and quash the same and consequently, permit the petitioner to deposit the amount of Rs.1,00,000/- within a reasonable period as directed by the 1<sup>st</sup> respondent by order dated 09.10.2017 made in I.A.No.1285 of 2017 in AIR (SA) No.382 of 2017.

For Petitioner

: Mr.K.Lavan

For Respondents

: Mrs.S.R.Sumathy  
for respondent No.3

ORDER  
(Order of the Court made by M.Duraiswamy, J.)

Challenging the order dated 06.11.2017 passed in AIR (SA) No.382 of 2017 on the file of the Debt Recovery Appellate Tribunal, Chennai against the order dated 02.06.2017 passed by the Debts Recovery Tribunal-III, Chennai in S.A.No.515 of 2016, the petitioner has filed the above writ petition.

2. By an order dated 09.10.2017, the Debt Recovery Appellate Tribunal, Chennai, in an application filed for waiver of pre-deposit in I.A.No.1285 of 2017, taking into consideration that the Bank claimed a sum of Rs.8.39 lakhs as on 15.12.2015, called upon the petitioner to make a pre-deposit of Rs.1,00,000/-. Since the petitioner has failed to make pre-deposit as directed by the Debt Recovery Appellate Tribunal, Chennai, the Appellate Tribunal dismissed the appeal in AIR (SA) No.382 of 2017. Now challenging the order dated 06.11.2017 passed in AIR (SA) No.382 of 2017, the petitioner has filed the above writ petition.

3. Mrs.S.R.Sumathy, learned counsel accepts notice on behalf of respondent No.3.

4. When the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to comply with the direction of the Debt Recovery Appellate Tribunal within a period of one week.

5. The learned counsel appearing for the third respondent has no serious objection for the prayer made by the learned counsel for the petitioner.

6. Considering the submissions made by the learned counsel appearing on either side, in the interest of justice and in order to give an opportunity to the petitioner, we are inclined to permit the petitioner to make a pre-deposit of Rs.1,00,000/- within a period of one week. Accordingly, the petitioner is directed to make pre-deposit of Rs.1,00,000/- (Rupees One Lakh) before the Debt Recovery Appellate Tribunal, Chennai, within a period of one week from the date of receipt of a copy of this order and on making such deposit, the petitioner is also directed to give a notice to the third respondent with regard to the compliance of the order passed by this Court today in the writ petition. Further, on making such pre-deposit, the Debt Recovery Appellate Tribunal, Chennai, is directed to take up the appeal in AIR (SA) No.382 of 2017 and decide the same on merits and in accordance with law.

7. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.17792 of 2019 is closed.

Sd/-  
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Debt Recovery Appellate Tribunal,  
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Chennai - 600 008.
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Now at : 1G, First Floor,  
No.560-562, Centuary Plaza,  
Anna Salai, Teynampet,  
Chennai - 600 018.

+1cc to Mrs.S.R.Sumathi, Advocate, S.R.No.55083  
+1cc to Mr.K.Lavan, Advocate, S.R.No.55109

W.P.No.18475 of 2019

PP (CO)

RRS (03/07/2019)

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