

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM :

The Hon'ble Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

C.R.P.(NPD) No.3266 of 2019

M.N. Mahalingam

... Petitioner

VS

1. The Authorised Officer/Chief Manager,
Indian Bank, Marandahalli Branch,
A5/27 Govt Higher Secondary School Road,
Marandahalli Post,
Dharmapuri District.

2. M/s M.R. Poly Impex,
Proprietor:Mrs.M. Kanchana,
W/o M.N. Mahalingam
No.105 D, Koravandahalli Main Road,
Marandahalli Post,
Palacode Taluk,
Dharmapuri

.. Respondents

WEB COPY

Civil Revision Petition filed under Article 227 of the Constitution
of India against the Order dated 01.03.2019 in M.A.No.08 of 2019 in

SASR No.8634 of 2019 on the file of Debts Recovery Tribunal-III, Chennai.

For Petitioner : Mr.G. Jermiah

ORDER

(Order of the Court was made by C. SARAVANAN, J.)

Challenging the Order passed by the Debts Recovery Tribunal-III, Chennai in M.A.No.08/2019 in SASR No.8634/2019 dated 01.03.2019, in dismissing the application filed to condone the delay of 64 days in preferring the Second Appeal, the petitioner has filed the above Civil Revision Petition. The reason given in the impugned order, rejecting the application, is quoted below for ready reference.

" 6.0 Further the reasons given by the petitioners for condonation of the delay is that the appellant was under the bonafide impression that the 2nd respondent would be settling the account by mobilizing which could not happen. The petitioner has not shown any acceptable reason or just cause to condone the delay. Hence the present application filed

by the petitioner to condone the delay of 64 days in filing the accompanying SA is liable to be rejected, for the reasons stated supra."

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The amount due as on 23.08.2018 is Rs.84,12,895/- (Rupees eighty four lakhs twelve thousand eight hundred ninety five only). According to the petitioner, the property has not yet been auctioned and the petitioner undertakes to deposit a sum of Rs.25,00,000/- (Rupees twenty five lakhs only).

4. Considering the fact that the property has not yet been auctioned and that the petitioner undertakes to deposit a sum of Rs.25,00,000/-(Rupees twenty five lakhs only), we hereby set aside the order passed by the Debts Recovery Tribunal-III, Chennai.

5. Accordingly, the impugned order dated 01.03.2019 in MA No.08/2019 in SASR No.8634 of 2019 passed by the Debts Recovery

Tribunal-III, Chennai is set aside and subject to condition that the petitioner deposits a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) before the Debts Recovery Tribunal-III, Chennai within a period of six weeks from today.

6. On such deposit, the Debts Recovery Tribunal-III, Chennai shall take up the case on file, consider the matter and pass orders on merits and in accordance with law.

7. It is made clear that neither extension of time nor reduction of the amount shall be granted to the petitioner in any circumstances.

8. With the above direction, the Civil Revision Petition is disposed of.

(V.K., ACJ.) (C.S.N., J.)

04.11.2019

Speaking Order/Non-Speaking Order
Index : Yes/No

sr

To

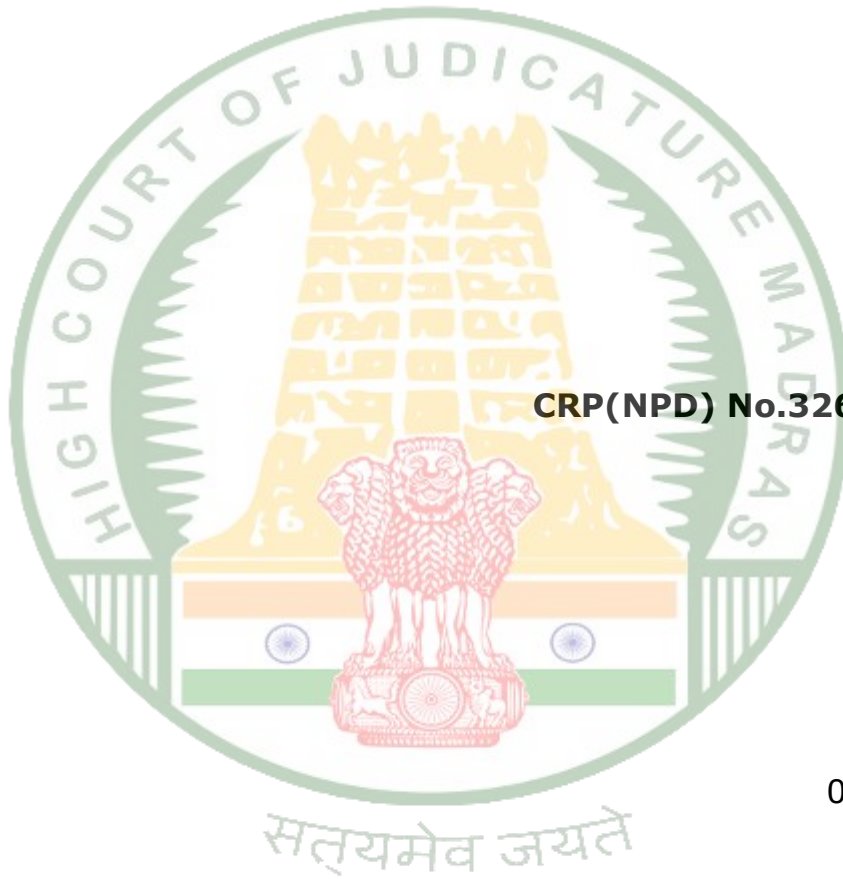
The Authorised Officer/Chief Manager,
Indian Bank, Marandahalli Branch,
A5/27 Govt Higher Secondary School Road,
Marandahalli Post,
Dharmapuri District.



WEB COPY

The Hon'ble Acting Chief Justice
and
C.Saravanan, J.

sr



CRP(NPD) No.3266/2019

04.11.2019

WEB COPY