



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.08.2019

CORAM

WEB COPY THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3808 of 2014

PRADEEP RANGANATHAN

.. Petitioner

Vs

- 1 CANARA BANK
ST.MARY'S ROAD BRANCH
13 AND 14, SOUNDARARAJAN STREET
CHENNAI - 600 018.
- 2 TRIDENT SYSTEMS (P) LTD.
No.13/5, CENOTAPH ROAD
CHENNAI - 600 018.
- 3 J.S.BABU
DIRECTOR, TRIDENT SYSTEMS (P) LTD.
52/3, SECOND FLOOR
CRESCENT PARK ROAD
T.NAGAR, CHENNAI - 600 017.
- 4 VARADAPPA NAICKER
- 5 THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL
ETHIRAJ SALAI, CHENNAI - 600 008.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of calling for the records pertaining to order passed by the Debts Recovery Appellate Tribunal, Chennai in I.A.No.1094 of 2013 in A.I.R.777 of 2009, dated 10.12.2013 and quash the same in so far as the condition to deposit a sum of Rs.50,78,500/- to the Tribunal on or before 10.02.2014 is concerned.



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For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.S.Kesavan
for 1st respondent

No appearance
for 2nd respondent

Dismissed vide order dated
1.12.2016 for 3rd respondent

4th respondent died - steps
due

ORDER

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

Challenging the order dated 10.12.2013 passed by the Debt Recovery Appellate Tribunal in I.A.No.1094 of 2013 in AIR.777 of 2009, the petitioner, who is the borrower, has filed the above writ petition.

2. The petitioner filed an appeal in AIR 777 of 2009 before the Appellate Tribunal challenging the order dated 17.9.2009 passed in M.A.No.129 of 2008 in O.A.No.349 of 2009 by the Debts Recovery Tribunal-I, Chennai. In the said appeal, the petitioner filed an application in I.A.No.1094 of 2013 for waiver of pre-deposit. The Appellate Tribunal, taking into consideration the fact that the amount due as on 23.10.2009 is Rs.1,01,57,000/-, directed the petitioner to make a pre-deposit of Rs.50,78,500/-. Assailing the said order, the present writ petition is filed.

3. When the writ petition is taken up for hearing, the learned counsel appearing for the first respondent submitted that the petitioner has not paid any amount to the respondent bank and that the outstanding as on today is more than Rs.1.50 Crores.

4. Mr.C.K.M.Appaji, learned counsel appearing for the petitioner submitted that the petitioner is willing to make a pre-deposit of Rs.23 Lakhs instead of Rs.50,78,500/- as directed by the Appellate Tribunal.

5. The learned counsel for the first respondent submitted that the first respondent bank is accepting the above said proposal made by the learned counsel for the petitioner.



6. In view of the above, we direct the petitioner to make a pre-deposit of Rs.23 lakhs before the Debt Recovery Appellate Tribunal, Chennai, within a period of six weeks from the date of receipt of a copy of this order. In all other aspects, the order dated 10.12.2013 passed by the Appellate Tribunal shall remain unaltered.

With these observations, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

sasi

To:

THE REGISTRAR
DEBTS RECOVERY APPELLATE TRIBUNAL
ETHIRAJ SALAI, CHENNAI - 600 008.

+1 CC to Mr.S.Kesavan, Advocate sr 7260

W.P.No.3808 of 2014

SSD(CO)
SP(14/09/2019)