

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25729 of 2014

Natarajan Reddiar (Deceased)

1.N.Lakshmi Ammal

2.N.Rajeshwari

3.N.Vadivelan

4.N.Vasanthi

5.N.Rukmani

6.N.Ekambaram

7.N.Deenadayalan

8.N.Vijayan

9.N.Saraswathi

(petitioners 1 to 9 are the legal
heirs of Late Natarajan Reddiar)

.... Petitioners

Vs.

1.State Bank of Saurashtra,
Adambakkam Branch,
rep by its Branch Manager,
Chennai - 600 088.

2.East Pasific Safety Industrial Private Ltd.,
Palayahamman Street,
Urappakkam, Chennai - 600 047.

3.R.Thiruselvan

4.P.A.Goutham

5.N.Balakrishnan

6.R.Kumar

7.Vitobhai Ammal

8.Jiyabai

9.Ambiga

10.Pushpaa

11.Jagatha

12.C.Sekar

13.Ramasamy Govindasamy

14.The Debts Recovery Tribunal - III,
Spencers Towers (Dewa Towers),
5th Floor, Anna Salai, Chennai - 600 002,
rep by the Presiding Officer

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15.The Debt Recovery Appellate Tribunal,
Indian Bank Building - 4th Floor,
Ethiraj Salai, Chennai,
rep by the Registrar
(R2 to R13 are given up)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records connected with the order dated 07.07.2014 passed by the 15th respondent in I.A.No.1115 of 2012 in AIR No.789 of 2012 and quash the same and consequently, direct the 15th respondent to admit the appeal in AIR No.789 of 2012 filed by the petitioners.

For Petitioners: Mr.P.Mani
for Mr.Y.Kaja Navas

For Respondents: Mr.O.Padmaprakash (R1)
R14 & R15 - Tribunal
R2 to R13 - not ready in notice

O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The petitioners have filed the above Writ Petition to issue a Writ of certiorarified mandamus calling for the records relating to the order dated 07.07.2014 passed by the 15th respondent in I.A.No.1115 of 2012 in AIR No.789 of 2012 and to quash the same and consequently, direct the 15th respondent to admit the appeal in AIR No.789 of 2012 filed by the petitioners.

2.Challenging the order passed in O.A.No.226 of 2007 on the file of the Debts Recovery Tribunal - III, Chennai, the petitioners preferred an appeal in AIR No.789 of 2012 before the Debt Recovery Appellate Tribunal, Chennai. In the said appeal, the appellants filed an application in I.A.No.1115 of 2012 for waiver of pre-deposit. The Appellate Tribunal, taking into consideration the outstanding payable by the borrower and the guarantor to the tune of Rs.6,44,88,574/- and also the value of the property mortgaged by Late Natarajan Reddiar, directed the appellants to make a pre-deposit of Rs.30 lakhs. While arriving at the said figure, the Appellate Tribunal also took into consideration the value of the property mortgaged by the guarantor at Rs.60 lakhs.

3.When the outstanding payable was more than

Rs.6,44,88,574/-, fixing the pre-deposit of Rs.30 lakhs based on the value of the property is very meagre and we find no reason to interfere with the said amount. In these circumstances, the Writ Petition is dismissed. The petitioners are granted four weeks time from the date of receipt of a copy of this order to make the pre-deposit of Rs.30 lakhs before the Debt Recovery Appellate Tribunal, Chennai. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Branch Manager,
State Bank of Saurashtra,
Adambakkam Branch,
Chennai - 600 088.
- 2.The Presiding Officer,
Debts Recovery Tribunal - III,
Spencers Towers (Dewa Towers),
5th Floor, Anna Salai, Chennai - 600 002.
- 3.The Registrar,
Debt Recovery Appellate Tribunal,
Indian Bank Building - 4th Floor,
Ethiraj Salai, Chennai.

+1cc to Mr. O.Padma Prakash, Advocate, S.R.No. 5454
+1cc to Mr. Y.Kaya Navas, Advocate, S.R.No. 6309

W.P.No.25729 of 2014

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PP(CO)
GN(15/02/2019)