

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P. (NPD) No.3238 of 2019

Mani Rajagopal

.. Petitioner

-VS-

- 1.Yes Bank Limited,
Manchester Krsna Landmark,
Avinashi Road,
Coimbatore-641 018,
Tamil Nadu,
rep. by its Authorised Officer.
- 2.M/s.Knit Gallery,
A partnership Firm,
Door No.33, Saraswathiammal Industrial Complex,
Murugampalayam,
Tirupur-641 687,
rep. by its Partner A.Vijay Anand.
- 3.The R2 Joint Sub Registrar,
Coimbatore Collectorate Campus,
Coimbatore – 641 018.

4.The District Collector/District Magistrate,
Collectorate Campus,
Coimbatore-641 018.

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 04.09.2019 made in I.A.No.481 of 2019 in AIR (SA) No.79 of 2019 on th file of the Debt Recovery Appellate Tribunal, Chennai.

For Petitioner : Mr.K.R.Samratt

ORDER

(Order of the Court was made by *The Hon'ble Acting Chief Justice*)

The petitioner, guarantor of the loan, Mrs.Mani Rajagopal, wife of Mr.K.Rajagopal, residing at "Ashwin", 691, Avinashi Road, Pappanaickenpalayam, Coimbatore, has filed this petition under Section 227 of the Constitution of India against the interlocutory order passed by the learned Debt Recovery Appellate Tribunal on 4.9.2019 directing the petitioner to make a pre-deposit of Rs.12 Crores against the outstanding amount of Rs.24.74 Crores and unless such deposit is made on the next date given on 4.10.2019, the appeal filed by the

petitioner against the sale certificate issued in favour of the auction purchaser, namely second respondent/Mrs.Knit Gallery, may not be entertained by the Debt Recovery Appellate Tribunal.

2. The learned counsel for the petitioner, Mr.K.R.Samratt, urged that the said amount of Rs.12 Crores is 50% of the amount due, whereas the learned Tribunal has discretion to reduce the same to 25% under Third Proviso to Section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, "the Act").

3. The learned counsel for the petitioner further submitted that the land in question, which was mortgaged by the petitioner, is in the nature of agricultural land and, therefore, sympathetic view deserves to be taken by the Debt Recovery Appellate Tribunal. He also submitted that the property in question has been auctioned by the first respondent/Yes Bank Limited, and a sum of Rs.18 Crores has been realized by the first respondent/Bank and, therefore, only a sum of Rs.6 Crores approximately remains due to the first respondent/ Bank.

4. Having heard the learned counsel for the petitioner, we would not be normally inclined to interfere with the interlocutory order passed by the learned Tribunal in exercise of its discretion under Section 18(1) of the Act. The Provisos to Section 18(1) of the Act permit a range of 25% to 50% to be pre-deposited to entertain the appeal filed by the appellant. We, therefore, direct the petitioner to deposit a sum of Rs.6 Crores, which is approximately 25% of the sum due to the first respondent/Bank, within a period of three weeks from today, namely on or before 21.10.2019. The learned Debt Recovery Appellate Tribunal may not dismiss the appeal on 4.10.2019 and postpone the matter to 21.10.2019. It is made clear that no extension of time or reduction of amount in question from Rs.6 Crores shall be granted by this Court under any circumstances.

With these observations, this civil revision petition is disposed of.

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(V.K.,ACJ.)

(C.S.N.,J.)

30.09.2019

Index : Yes/No
sasi

To:

- 1.The Authorised Officer,
Yes Bank Limited,
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Avinashi Road,
Coimbatore-641 018, Tamil Nadu.
- 2.The R2 Joint Sub Registrar,
Coimbatore Collectorate Campus,
Coimbatore – 641 018.
- 4.The District Collector/District Magistrate,
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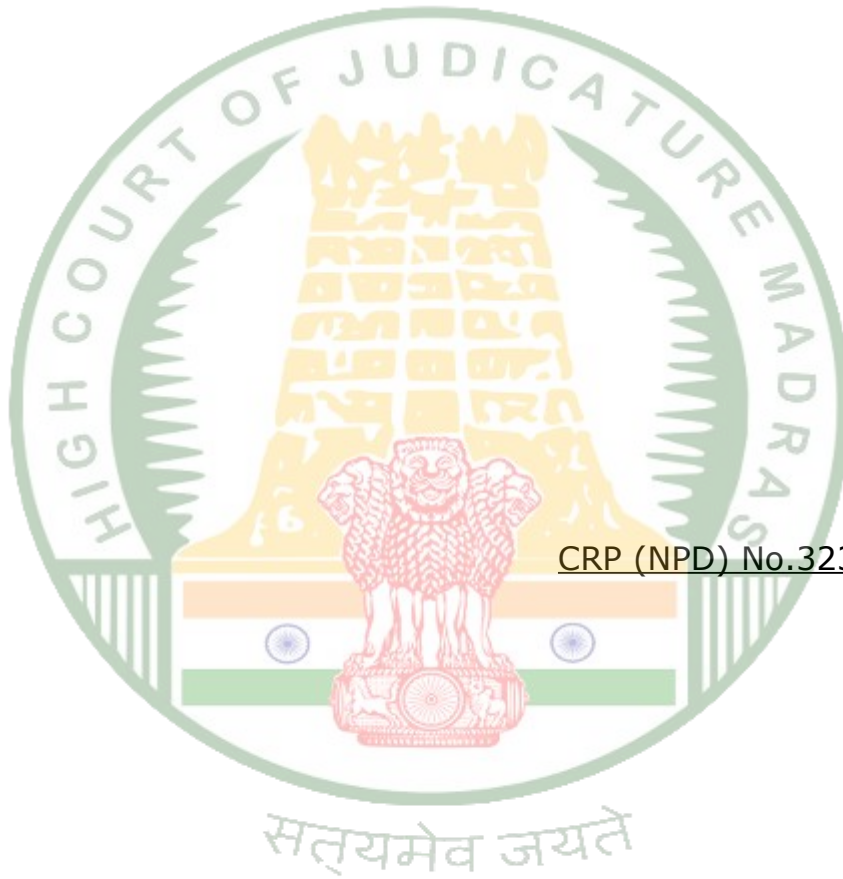


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Order dt. 30.09.2019 in CRP (NPD) No.3238 of 2019
Mani Rajagopal v. Yes Bank Limited, Coimbatore and Others

THE HON'BLE ACTING CHIEF JUSTICE
AND
C.SARAVANAN, J.

(sasi)



CRP (NPD) No.3238 of 2019

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