

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

CORAM :

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

W.P.No.28396 of 2019

S.Suresh Kumar

.. Petitioner

-vs-

- 1.The Authorised Officer,
Oriental Bank of Commerce,
Opp: Ayurveda College,
M.G. Road,
Thiruvananthapuram.
- 2.The Oriental Bank of Commerce,
rep. by its Authorised Officer,
M.G. Road, Thiruvananthapuram.
- 3.The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai-600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in I.A.No.810 of 2019 in A.I.R. No.128 of 2019, impugned order dated 06.09.2019 passed by the 3rd respondent, DRAT Chennai and quash the same and consequently extend the time for pre-deposit for a further period of seven days.

For Petitioner

: Mr.K.Seetha Ram

ORDER

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

The learned counsel for the petitioner, Mr.K.Seetha Ram, submits that the only grievance of the petitioner in the present writ petition is that the learned Debt Recovery Appellate Tribunal, Chennai, has failed to consider the relevant and genuine circumstances of the petitioner/borrower in not making a pre-deposit of Rs.10 lakhs within four weeks from 09.08.2019 as directed by the Debt Recovery Appellate Tribunal, only on the ground that the respondent Bank was to recover a sum of Rs.24 lakhs from the petitioner for the last nine years. The learned counsel for the petitioner further submits that the petitioner is ready and willing to deposit the said sum of Rs.10 lakhs immediately within a day or two and therefore, a sympathetic consideration may be shown in the present writ petition.

2. Though we would not normally entertain such a request at interlocutory stage of the proceedings before the Debt Recovery Appellate Tribunal, but since the learned counsel for the petitioner expressed that the petitioner has a ready amount for depositing a sum of Rs.10 lakhs within two days and in view of peculiar facts and circumstances of the case, we take a lenient view of the matter and grant permission to the petitioner/borrower to deposit a sum of Rs.10 lakhs (Rupees Ten Lakhs only) before the learned Debt Recovery Appellate Tribunal, Chennai, on or before 30th September 2019 and if such deposit is made, the learned Tribunal may decide the case on merits and in accordance with law. If the petitioner fails to make the pre-deposit, as directed above, the present writ petition shall be treated as dismissed without any further indulgence to the petitioner.

3. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.28076 and 28079 of 2019 are closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Mr.K.Seetha ram , Advocate SR.No. 82730

W.P.No.28396 of 2019

A.SK(27/09/2019)



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