

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM

THE HONOURABLE Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.30324 of 2019

and

W.M.P.No.30317 of 2019

N.Madhavan

Petitioner

Versus

1. The Registrar,
Debt Recovery Appellate Tribunal,
Chennai,
4th Floor, Indian Bank Circle Office,
55 Ethiraj Salai, Chennai-8.
2. The District Collector,
Namakkal.
3. The Revenue Divisional Officer,
Namakkal.
4. R.Karthick Raja
5. The Chief Manager and Authorised Officer,
Indian Bank, Ranga Sannathi Street,
Namakkal 637 001.
6. M/s.Bhagvati Transports,
rep. by its Proprietor,
P.K.Selvaraj,
205, Nadu Street,
Kalappa Naickan Patti Post,
Namakkal Taluk and District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records on the file of the 1st respondent relating to the issue of the impugned order of the 1st respondent dated 30.9.2019 passed in I.A.No.754 of 2019 in A.IR No.257 of 2019 and quash the same and consequently direct the 1st Respondent to entertain the Appeal filed by the Petitioner in A.IR No.257 of 2019 without insisting pre-deposit.

For petitioner : Mr.K.Subramaniyan

For R2 & R3 : Mr.Kamalesh Kannan, Govt. Advocate

For R5 : Ms.S.R.Sumathy

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, ACJ.)

This Petition has been filed against the order dated 30.9.2019 directing the Petitioner to make pre-deposit of Rs.1,51,000/- for maintaining the Appeal in question.

2. The learned counsel for the Petitioner submitted that the Petition filed before the DRT is only at the defect stage for condonation of delay and at this stage, the DRAT could not have asked for pre-deposit in view of the decision in Mardia Chemicals Limited v. Union of India ((2004) 4 SCC 311) and the decision of a Division Bench of this Court in Sree Jeya Soundharam Textile Mills Pvt. Ltd v. Canara Bank and others (C.R.P.(NPD) No.1492 of 2017, etc. decided on 11.4.2019) which has been followed by this Bench in the case of M/s.Ashok Wood Works and another v. Indian Overseas Bank (W.P.No.22981 of 2019 dated 30.9.2019).

3. In view of the above decisions, the Petitioner should approach the DRAT and the learned DRAT is expected to pass appropriate orders in accordance with law. With this observation, the writ petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Registrar,
Debt Recovery Appellate Tribunal,
Chennai,
4th Floor, Indian Bank Circle Office,
55 Ethiraj Salai, Chennai-8.
2. The District Collector, Namakkal.
3. The Revenue Divisional Officer, Namakkal.
4. The Chief Manager and Authorised Officer,
Indian Bank, Ranga Sannathi Street,
Namakkal 637 001.

+1cc to Mr.N.Subramanian , Advocate SR.No. 88534

W.P.No.30324 of 2019

A.SK(07/11/2019)

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