

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31799 of 2018

V.Pasunkili

.. Petitioner

-Vs-

1. The Authorised Officer,
Indian Bank,
Asset Recovery Management Branch,
2nd Floor, 100-101, East Avani Moola Street,
Circle Office, Madurai-625 001.
2. The Branch Manager,
Indian Bank,
Ayyalur Branch,
Ayyalur,
Dindigul District.
3. The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to the order passed by the third respondent in AIR (SA) No.321 of 2015 on 14th July 2017 and quash the same.

For Petitioner : Ms.R.Nasrine

For Respondents : Mr.Kalyanaraman
for M/s.Aiyar & Dolia
for respondent Nos.1 and 2
R3 - Tribunal

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records pertaining to the order passed by the third respondent in AIR (SA) No.321 of 2015 dated 14.07.2017 and quash the same.

2. Challenging the order passed in I.A.No.973 of 2013 in S.A.No.282 of 2011 on the file of the Debts Recovery Tribunal, Madurai, the petitioner has filed appeal in AIR (SA) No.321 of 2015 before the Debt Recovery Appellate Tribunal, Chennai. In the said appeal, the petitioner has also filed an application for waiver of pre-deposit. By an order dated 08.04.2015, the Debt Recovery Appellate Tribunal, Chennai directed the petitioner to make a pre-deposit of Rs.3,00,000/-. Thereafter, the petitioner has filed an application in I.A.No.1124 of 2017 seeking for extension of time for making the pre-deposit. The Debt Recovery Appellate Tribunal, Chennai, by an order dated 14.07.2017, dismissed the application and also the appeal filed by the petitioner. Challenging the said order, the petitioner has filed the writ petition.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is having pre-deposit amount of Rs.3,00,000/- ready with her and the petitioner may be permitted to make the pre-deposit before the Debt Recovery Appellate Tribunal, Chennai.

4. Since the petitioner is having the pre-deposit amount of Rs.3,00,000/- ready with her, we are of the view that in the interest of justice, the petitioner can be permitted to make the pre-deposit before the Debt Recovery Appellate Tribunal, Chennai. Accordingly, we permit the petitioner to make the pre-deposit of Rs.3,00,000/- (Rupees Three Lakhs) before the Debt Recovery Appellate Tribunal, Chennai within three days from the date of receipt of a copy of this order. On compliance as stated above, the Debt Recovery Appellate Tribunal, Chennai is directed to number the appeal and decide the same on merits and in accordance with law.

5. With these observations, the writ petition is disposed of. No costs.

bbr

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

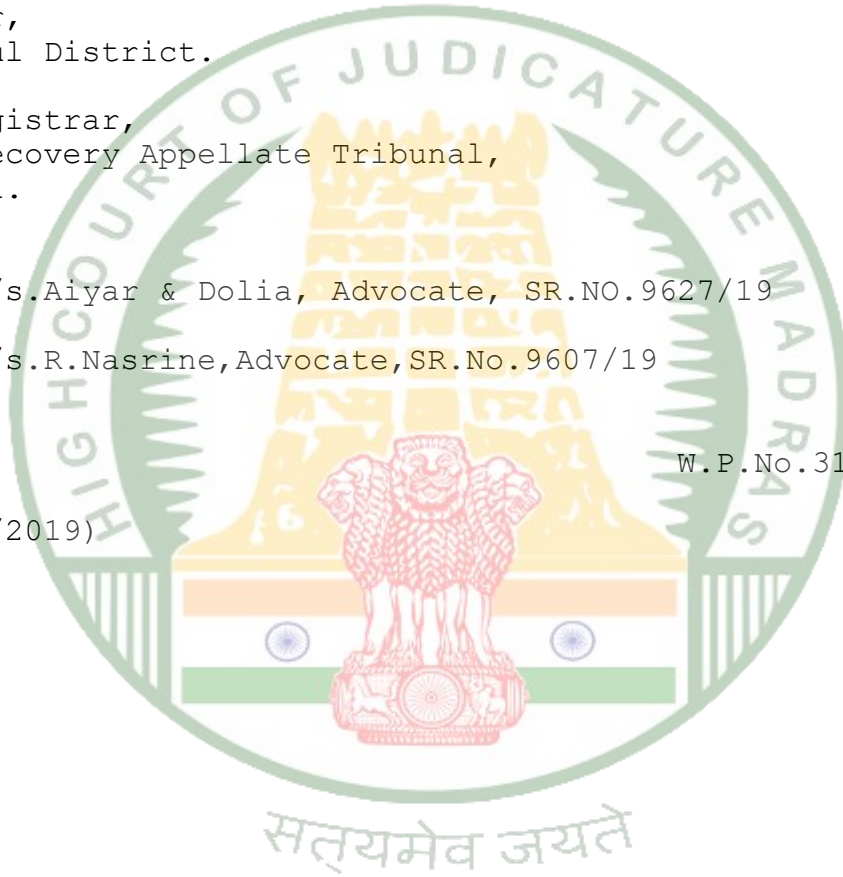
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+1cc to M/s.Aiyar & Dolia, Advocate, SR.NO.9627/19

+1cc to M/s.R.Nasrine, Advocate, SR.No.9607/19

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KAK(05/02/2019)



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