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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.11804 of 2019

AND W.M.P. (MD) No.8929 of 2019

M/s.Thandi Flora (P) Ltd
Rep. By its Director
N.Rajan Venkatesh
Plot No.158 Roja Street
New Door No.5/842
Kootturavu Nagar
Trichy Road
Dindigul

: Petitioner

Vs.

1. The Authorized Officer,
Canara Bank
Dindigul Nagalnagar Branch
Nagal Nagar, Dindigul

2. Canara Bank
Rep. By its Branch Manager,
Nagalnagar Dindigul Branch,
Nagal Nagar, Dindigul

3. Debts Recovery Tribunal - Madurai
III & IV Floor, Kalyani Towers
No.4/162 Madurai - Melur Road,
Near Meenakshi Mission Hospital
Uthangudi Post, Madurai

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records relating to the order dated 12.04.2019 made in I.A.No.786 of 2019 in S.A.No.613 of 2018 on the file of the 3rd respondent herein, and quash the same.

For Petitioner

: Mr.K.Govindarajan for
M/s.Vast Law Associates

O R D E R

G.R.SWAMINATHAN, J.

<https://hcservices.ecourts.gov.in/hcservices/>

The Writ Petitioner earlier moved this Court by filing W.P. (MD) No. 25549 of 2019. In the said Writ Petition, the



Division Bench, by order dated 28.01.2019, passed the following order:

"11.As rightly contended by the learned counsel appearing for the respondent Bank, the writ petition is not maintainable as per the recent judgment of the Hon'ble Supreme Court as cited supra. However, as the petitioner is ready to deposit a lump sum of Rs.40,00,000/- on or before 6th February 2019, this Court is constrained to pass the following orders:

(i) In view of the undertaking given by the petitioner, the petitioner is directed to deposit a lump sum of Rs.40,00,000/- on or before 6th February 2019 in a no lien account and the petitioner is also directed to give the particulars/details of the legal heirs of the deceased person within a period of ten days;

(ii) On such deposit, the Debt Recovery Tribunal is directed to take up the appeal in S.A.No.613 of 2018 on file and dispose of the same on merits after hearing both sides on or before 31.03.2019."

2. The petitioner herein thereafter filed I.A.No.786/2016 before the Debts Recovery Tribunal for appointing an independent Audit Commissioner to quantify and justify the amount payable to the respondent Bank. While dismissing the said I.A., certain adverse observations were made by the Debts Recovery Tribunal.

3. The Division Bench of this Court has already issued a direction to dispose of the appeal itself on merits, after hearing both sides, on or before 31.03.2019. We, therefore, direct the Debts Recovery Tribunal to dispose of S.A.No.613 of 2018 without being influenced by the order impugned in the writ petition.

4. With the above direction, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

sd/
Assistant Registrar(VO)

/True Copy/

Sub Assistant Registrar

To

Debts Recovery Tribunal - Madurai
III & IV Floor, Kalyani Towers
No.4/162 Madurai - Melur Road,
Near Meenakshi Mission Hospital
Uthangudi Post, Madurai



+1 CC to M/s.VAST LAW ASSOCIATES, (SR-65307[F] dated 08/05/2019)

Order made in

W.P. [MD] No.11804 of 2019

and W.M.P. (MD) No.8929 of 2019

Dated: 08.05.2019

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MK/15.05.2019/3P/3C