



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.20141 of 2019

and

W.M.P. (MD) No.16684 of 2019

WEB COPY

1.Ameena Begum

2.A.S.K.Ashraf Ali

... Petitioners

-vs-

1.The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
No.55, Ethiraj Salai,
Chennai - 8.

2.The Presiding Officer,
Debts Recovery Tribunal,
4th Floor,
No.4/162, Kalyani Tower,
Near Meenakshi Mission Hospital,
Madurai - 107.

3.The Authorized Officer,
Indian Bank Circle Office,
Jenny Plaza, II Floor,
5E, Barathi Salai, Cantonment,
Trichy - 620 001.

4.The Chairman & Managing Director,
Indian Bank, Head Office,
No.66, Rajaji Salai,
Chennai - 600 001.

5.V.A.Viswanathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order passed by the 1st respondent in R.A.(SA) 94/2013 dated 12.04.2019 confirming the order passed by the 2nd respondent in S.A.No.150 of 2007 dated 04.07.2008 and quash the same.

For petitioners	:	Mr.M.Gnanagurunathan
For Respondents 1 & 2	:	No appearance
For Respondents 3 & 4	:	Mr.C.Jawahar Ravindran



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.M.Gnanagurunathan, learned counsel appearing for the petitioners and Mr.C.Jawahar Ravindran, learned counsel appearing for the respondents 3 and 4.

2.This Writ Petition has been filed challenging the order passed by the 1st respondent in R.A.(SA) 94/2013 dated 12.04.2019, confirming the order passed by the 2nd respondent in S.A.No.150 of 2007 dated 04.07.2008.

3.Though such was the prayer of the petitioners, the learned counsel appearing for the petitioners on instruction would submit that the petitioners seek only the refund of the amount, which was deposited pursuant to the direction issued by DRAT viz., **(*)Rs.3,00,000/- (Rupees Three Lakhs only)**. The said sum has been deposited by drawing a Demand Draft/Pay Order in favour of the Registrar, Debts Recovery Appellate Tribunal, Chennai on **(**)21.07.2013**

4.The learned counsel appearing for the respondents 3 and 4 on instruction from the Bank would submit that the Bank have no objection for the petitioners seeking withdrawal of the said amount since, the main appeal itself has already been disposed of by the Debts Recovery Appellate Tribunal, which order we confirm in this Writ Petition.

5.In view of the above, we direct the Registrar of the Debts Recovery Appellant Tribunal, Chennai to permit the petitioners to get back the deposited amount and the same shall be paid by means of Demand Draft or Pay Order or by ECS. This direction shall be considered and implemented within a period of three weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/
Assistant Registrar (CS-II)

(*) ()Amended as per order of this
Hon'ble Court dated 22/11/2019**

Sd/
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar(CS)



To

(To be substituted the order already despatched on 18/11/2019)

The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
No.55, Ethiraj Salai,
Chennai - 8.

+1 CC to Mr.K.SAMIDURAI, Advocate (SR-95990[F] dated 05/11/2019)
+1 CC to Mr.C.JAWAHAR RAVINDRAN, Advocate (SR-96039[F] dated
05/11/2019)

W.P. (MD) No.20141 of 2019
04.11.2019

VB(18.11.2019) 3P 4C
MK(11.12.2019) 3P 4C