

**THE HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN**

**AND**

**THE HON'BLE SRI JUSTICE P.KESHA RAO**

**WRIT PETITION No.1351 of 2019**

**ORDER:** (per VRS,J)

Aggrieved by the refusal of the Debts Recovery Tribunal to extend the time limit for complying with one of the two conditions, the guarantor has come up with the above Writ Petition.

2. Heard Mr.A.Jagan, learned Counsel for the petitioner and Smt.V.Dyumani, learned Standing Counsel for the Bank.

3. By the Order impugned in this Writ Petition dated 27.12.2018, the Debts Recovery Tribunal directed the petitioner to pay 15% of the dues within one week and another 15% of the dues within two weeks thereafter. Accordingly the petitioner paid the first instalment of 15% within time. The second instalment was also paid, however with a delay of just less than two weeks.

4. Considering the fact that the petitioner is a senior citizen and is also a widow and also considering the fact that the petitioner is only a guarantor, we are of the view that the failure of the petitioner to comply with the second condition within the time stipulated, can be condoned.

5. Therefore the Writ Petition is allowed, modifying the Order of the Debts Recovery Tribunal and condoning the delay on the part of the petitioner in making payment of the second instalment as per the conditional order passed by the Debts Recovery Tribunal. In other words, the petitioner shall be treated to have complied with the conditional order passed by the Debts Recovery Tribunal on 27.12.2018 and hence the stay granted by the Debts

Recovery Tribunal shall continue to be in force till the disposal of the appeal.

6. The Debts Recovery Tribunal shall endeavor to dispose of the appeal within a period of two months.

Consequently, Miscellaneous Petitions, if any, pending in the Writ Petition shall stand dismissed. No Order as to costs.

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**V.RAMASUBRAMANIAN, J**

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**P.KESHAHA RAO, J**

**29<sup>th</sup> January, 2019**

**Smr/vhb**