

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.1668 of 2020
and
W.M.P.Nos.1945 & 1947 of 2020

1.Kadapalayam Tirumala Nagalakshmi
2.K.Chinnaswamy

... Petitioners

Vs

1. The Debts Recovery Appellate Tribunal,
Rep.by its Registrar,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, Chennai - 600 008.
2. The Debts Recovery Tribunal,
Rep.by its Registrar,
Jawan's Bhavan 2nd & 3rd Floor,
27, Travellers Bungalow Road,
Coimbatore - 641 018.
3. The Authorised Officer,
M/s.Edelweiss Housing Finance Ltd.,
Door No.299, 3rd Floor, ITI Centre,
Sir Shanmugam Road,
R.S.Puram, Coimbatore - 641 102.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorari to call for the records in order dated 29.11.2019 made in I.A.No.820 of 2019 in AIR (SA) No.296 of 2019 and the consequential order dated 02.01.2020 on the file of the Debts Recovery Appellate Tribunal, Chennai, the first respondent herein and to quash the same.

For Petitioner : Mr.R.Sugumaran

For Respondents : Mr.V.Balasubramani for R3
R1 & R2-Tribunal

ORDER

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

This writ petition is filed against the order of the Debts Recovery Tribunal, by which the petitioner was directed to pay Rs.55 lakhs in three instalments.

2. Learned counsel for the petitioner submitted that the order of the Tribunal may be modified by providing sufficient time.

3. Learned counsel for the third respondent submitted that there is a serious default on the part of the petitioner and therefore, no indulgence is required as such.

4. Considering the submissions made and taking note of the fact that the Debts Recovery Tribunal has passed only conditional order and the petitioner is inclined to comply with the orders, we set aside the order dated 02.01.2020 passed by the Debts Recovery Appellate Tribunal so far, the total amount payable as such.

5.However, taking into consideration the subsequent developments, we are inclined to grant time for paying the respondent, the balance amount, out of Rs.55,00,000/-. It is also noted that the petitioner had already paid a sum of Rs.2,43,000/-. The petitioner will have to make the payment of the balance amount in three equal installments. We make it clear that any failure to comply with the order, would result in restoration of the Debts Recovery Appellate Tribunal.

6.The first instalment will have to be paid on or before 30.03.2020, the second instalment will have to be paid on or before 30.04.2020 and the third instalment will have to be paid on or before 20.05.2020. On such payment, the matter will be disposed of by the Tribunal.

7.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

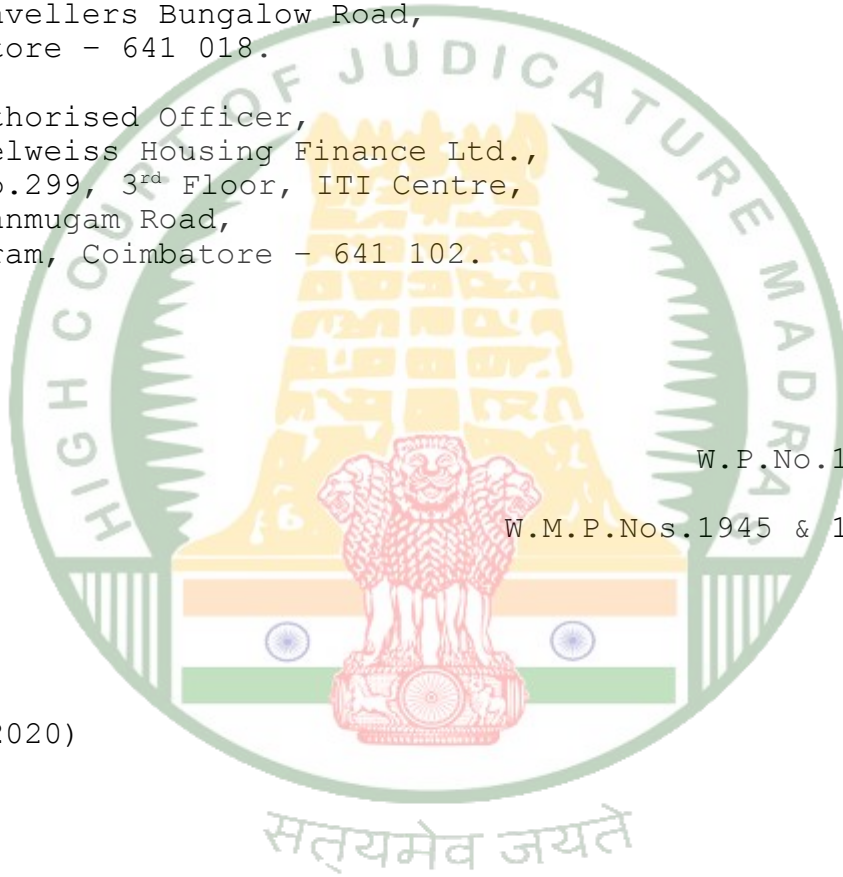
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Sub Assistant Registrar

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To

1. The Registrar,
The Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, Chennai - 600 008.
2. The Registrar,
The Debts Recovery Tribunal,
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and
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GS (08/06/2020)

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