

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.Nos.34774 and 34777 of 2019
and
W.M.P.Nos.35526, 35528 & 35530 of 2019

M/s.Hotel Saravana Bhavan,
Rep.by its Partner Mr.R.Saravanan,
19, Vadapalani Andavar Koil Street,
Vadapalani, Chennai - 600 026.

... Petitioner (in both W.Ps)

Vs

1.The Chief Manager,
Indian Bank,
Assets Recovery Management Branch,
55, Ethiraj Salai, Chennai - 600 013.

2.Indian Bank,
Rep.by its Manager,
151, Mannar Swamy Koil Street,
Royapuram, Chennai - 13.

3.K.Raja

4.D.Sukumar

5.D.Elumalai

6.Mrs.Pushpavalli Ammal

7.D.Thirunavukkarasu

8.D.Subramaniam

9.The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55 Ethiraj Salai, Chennai - 600 002.

... Respondents(in both W.Ps)

Common Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorari, to call for the records of order dated 14.11.2019 made in I.A.No.977 of 2019 in R.A.No.18 of 2011 and R.A.No.19 of 2011 on the file of the 9th respondent and quash the same.

For Petitioner : Mr.M.Sriram
(in both W.Ps)

For Respondents : Mr.Jeyesh B.Dolia
Standing Counsel for R1 & R2
(in both W.Ps)

R9 Tribunal

COMMON ORDER

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

The limited prayer sought for in these writ petitions is with respect to the pre-deposit of the amount.

2. The learned counsel for the petitioner submitted that the waiver application has not been considered properly, whereas, the learned Standing counsel appearing for the respondent Bank submitted that the order passed by the Debts Recovery Appellate Tribunal actually enured to the benefit of the petitioner. The Dues as on 2009 exceeds to 2.89 crores.

3. Considering the submissions made, we are not inclined to allow the writ petition as sought for in this writ petition. The dues as on 2009 itself is very high. There is nothing to suggest that the substantial payments are made subsequently.

4. In such view of the matter we would show indulgence, considering the submissions made by the learned counsel for the petitioner, the amount of 40 lakhs ordered by the Tribunal is reduced to 35 lakhs. The said amount shall be paid to the respondent within a period of six weeks from the date of receipt of a copy of this order. On such payment, the appellate Tribunal has to decide the issue on merits and in accordance with law. We make it clear that consequential dismissal order passed by the Debts Recovery Tribunal is also set aside.

5. Accordingly, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Chief Manager,
Indian Bank,
Assets Recovery Management Branch,
55, Ethiraj Salai, Chennai - 600 013.

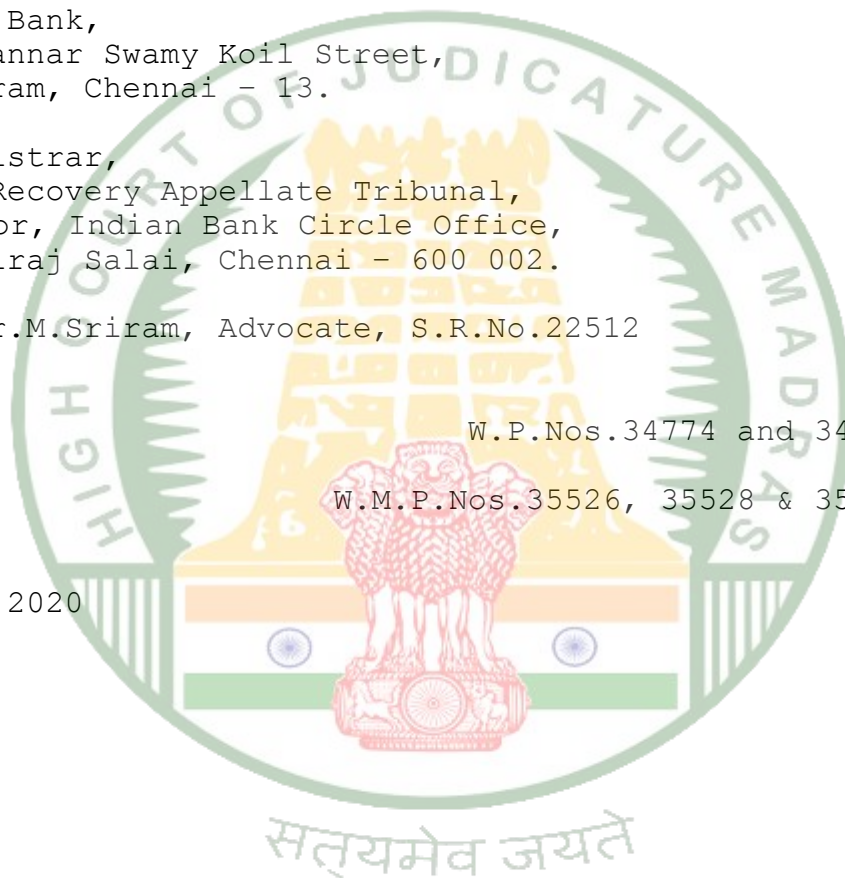
2.The Manager,
Indian Bank,
151, Mannar Swamy Koil Street,
Royapuram, Chennai - 13.

3.The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55 Ethiraj Salai, Chennai - 600 002.

+2cc to Mr.M.Sriram, Advocate, S.R.No.22512

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SR(CO)
nvi/28.05.2020



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