

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5838 of 2021 & WMP.No.6425 of 2021

G.Naveen Prasath ... Petitioner

Vs.

1. Branch Manager
City Union Bank Ltd.,
Hosur Branch,
No.123, Denkanikottai Road
Opp to Sub Collectors Office
Hosur.

2. The Authorised Officer
City Union Bank Ltd.,
Credit Recovery and Management Department
24-B, Gandhi Nagar
Kumbakonam.

3. P.Lakshmidhara

4. The Registrar,
Debt Recovery Appellate Tribunal
Egmore, Chennai.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the 4th respondent to decide the IA.No.180 of 2021 in AIR No.53 of 2021 without insisting the pre-deposit as contemplated under section 18[1] of SARFAESI Act.

For Petitioner

: Mrs.P.Selvi Geroge

For Respondents- 1 & 2 : Mr.A.Karthikeyan

ORDER
(Made by the Hon'ble Chief Justice)

The petitioner is aggrieved by an order passed by the Debt Recovery Appellate Tribunal adjourning the petitioner's application for waiver of the pre-deposit till May 05, 2021. The petitioner complains that the petitioner's property may be taken possession of by the secured creditor even before such date.

2. There is no doubt that the Debt Recovery Appellate Tribunal has more matters that can be conveniently addressed. It is the same situation as in Courts. In such a scenario, the Tribunal cannot be directed to dispose of the matter within a limited period.

3. However, considering the plight of the petitioner and that the loan was obtained for educational purpose and the only shelter may be lost if the matter is not immediately addressed, the petitioner is permitted to make a request to the Debt Recovery Appellate Tribunal to take up the petitioner's application as expeditiously as the business of the Tribunal would permit. No other relief can be granted to the petitioner since the principal issue is pending consideration of the Tribunal, subject to the quantum of pre-deposit being decided.

4. The bank is represented by Mr.V.Karthikeyan and the bank is requested to ensure that no precipitous steps are taken within the next fortnight to afford the petitioner an opportunity to approach the appellate tribunal.

5. W.P.No.5838 of 2021 is disposed of on the above basis and without any order as to costs. WMP No.6425 of 2021 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl/AP
To

1.Branch Manager
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3.The Registrar,
Debt Recovery Appellate Tribunal
Egmore, Chennai.

+1 cc to M/s.Selvi George, Advocate Sr.No. 15608

W.P.No.5838 of 2021

SSN(CO)
RMP(23/03/2021)



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