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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

C.R.P. Nos.1169 and 1170 of 2021

C.R.P.No.1169 of 2021:

1.Dr.Zubaida Begaum
2.Dr.Khalid Hussain
3.Dr.Sajjad Hussain .. Petitioners/Appellants

Vs

1.Indian Bank,
rep. By its Manager,
Guindy Branch, Chennai - 600 032.

2.Ansari Begum
3.Khousar Begum
4.Rasheeda Begum
5.Noorjahan .. Respondents/Respondents

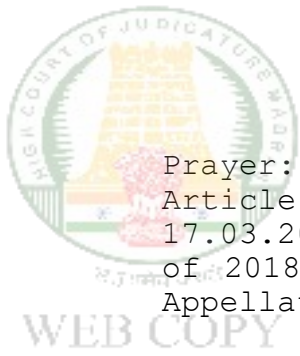
C.R.P.No.1170 of 2021:

1.Dr.Zubaida Begaum
2.Dr.Akthar Hussain (died) .. Petitioners/Appellants

Vs

1.Indian Bank,
rep. By its Manager,
Guindy Branch, Chennai - 600 032.

2.The Chief Manager,
Indian Bank,
Asset Recovery Management Branch,
Wellington Estate,
No.55, Ethiraj Salai,
Chennai - 600 008. .. Respondents



Prayer: Civil Revision Petition No.1169 of 2021 filed under Article 227 of the Constitution of India against the order dated 17.03.2021 passed in I.A.Nos.216, 217, 218 of 2021 in I.A.No.617 of 2018 in AIR No.368 of 2018 on the file of the Debt Recovery Appellate Tribunal, Chennai.

Civil Revision Petition No.1170 of 2021 filed under Article 227 of the Constitution of India against the order dated 17.03.2021 passed in I.A.Nos.229, 230, 231 of 2021 in R.A.(S.A) No.54 of 2019 on the file of the Debt Recovery Appellate Tribunal, Chennai.

For Petitioners : Mr.S.Sethuraman

For Respondents : Mr.Jayesh B.Dolia
for M/s.Iyer and Dolia
for respondent No.1
in CRP.No.1169 of 2021
and
respondent Nos.1 and 2
in CRP.No.1170 of 2021

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioners question the propriety of orders dated March 17, 2021 passed by the Debt Recovery Appellate Tribunal at Chennai.

2. It is evident from the relevant order that the petitioners herein had sought a review of the appellate tribunal's order of December 18, 2018.

3. According to the parties, the order dated December 18, 2018 was challenged by way of a writ petition in this court. Such writ petition was dismissed by an order dated March 21, 2019. The order of this court of March 21, 2019, in effect, required the petitioners herein to make a pre-deposit of a sum amounting to 25 per cent of Rs.2.27 crore within a period of three weeks from the date of the order. The appellate tribunal's order of December 18, 2018 lost all meaning and it merged in this court's order of March 21, 2019.

4. In such view of the matter, the petitioners could no longer have approached the appellate tribunal below for review of the appellate tribunal's order of December 18, 2018 since such order no longer existed.



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5. Though the order impugned is slightly vague in such regard and does not expressly indicate that its previous order of December 18, 2018 stands merged in the order dated March 21, 2019 passed by this court on W.P.No.1261 of 2019, the records reveal that the appellate tribunal's relevant order stood modified by this court's order of March 21, 2019.

6. The petitioners submit that a review has been filed in this court for correcting the order of March 21, 2019, which remains pending.

7. As to whether a subsequent review of the order dated March 21, 2019 has been sought is irrelevant in the present context since the order impugned dated March 17, 2021 cannot be faulted. In effect, the petitioners herein applied for review of an order that, legally, no longer existed. As a consequence, the petitioners' application before the appellate tribunal below had to be dismissed for the asking.

8. C.R.P.No.1169 of 2021 is dismissed. C.M.P.No.8967 of 2021 is closed.

9. Upon this order being passed, the petitioners withdraw C.R.P.No.1170 of 2021 by seeking liberty to pursue the review filed in this court.

10. Accordingly, C.R.P.No.1170 of 2021 is dismissed as withdrawn with liberty to pursue the review. C.M.P.No.8968 of 2021 is closed.

11. Nothing in this order will prejudice the petitioners in the review application pertaining to the order dated March 21, 2019 filed in this court.

There will be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.



2.The Manager,
Indian Bank,
Guindy Branch,
Chennai - 600 032.

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3.The Chief Manager,
Indian Bank,
Asset Recovery Management Branch,
Wellington Estate,
No.55, Ethiraj Salai,
Chennai - 600 008.

C.R.P. Nos.1169 and 1170 of 2021

MG (CO)
PR (26/08/2021)