



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE,CHIEF JUSTICE

AND

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

C.R.P.NO.1754 OF 2020

G.Govinda Raju

.. Petitioner/Appellant

Vs.

1.ICICI Bank Ltd.,
No.4/10, 1st floor,
West Wing,
My Tree Centre, Hosur Road,
rep. By its Authorised Officer

2.Vijay Kumar

.. Respondents/Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 19.03.2019 in AIR (SA) 644/2018 DRAT, Chennai in SA No.187/2017 on the file of the DRT-I, Bangalore.

For the Petitioner : Ms.K.Malathi

For the Respondent : Mr.S.Suresh,
for the first respondent

ORDER

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

The petition challenges an order dated March 19, 2019 passed by the Debt Recovery Appellate Tribunal, Chennai, at the receiving stage of an appeal.

2. The order impugned notices that on February 18, 2019, the Debt Recovery Appellate Tribunal had directed the petitioner to make a pre-deposit of Rs.20 lakh within four weeks, but the pre-deposit had not been made. The appellate tribunal holds that since such tribunal had no authority to entertain an appeal unless the deposit was made, the matter was treated as closed, in the sense that the appeal was found not to have survived.



3. There is no infirmity in the order impugned. Since an appeal is a creature of a statute and the right of appeal may be hedged with conditions, merely because the petitioner found it difficult to comply with a condition or chose not to comply therewith will not permit any concession to be made for the petitioner.

4. It is meaninglessly submitted that the petitioner is now willing to make the pre-deposit. Unfortunately, the train has left the station and the train left some time around March 18, 2019, upon the petitioner's failure to comply with the order dated February 18, 2019 and make the pre-deposit.

5. C.R.P.No.1754 of 2020 is dismissed. C.M.P.No.10841 of 2020 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Debt Recovery Appellate Tribunal,
Spencer Tower, No.770A Annasalai Chennai-2.

2.The Debts Recovery Tribunal, No.1, Bangalore

+1cc to Mr.S.Suresh, Advocate, S.R.No.44837

+1cc to M/S.Suresha, Advocate, S.R.No.45089(23/09/2021)

C.R.P.No.1754 of 2020

MG(CO)
PM/14/09/2021