



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R. THARANI

Cont.P(MD)No.1001 of 2020

in

W.P. (MD) .No.20141 of 2019

1.Mrs.Ameena Begum

2.A.S.K.Ashraf Ali

:Petitioners/ Petitioners

Vs.

Thiru.R.Kamalahar,
The Registrar,
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
No.55, Ethiraj Salai,
Chennai-08.

:Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to take the above contempt petition on file and issue summon to the contemnor herein and deal with him in accordance with law for his willful and deliberate disobedience and non compliance of the order passed by this Court in W.P.(MD)No.20141 of 2019 dated :4.11.2019.

Prayer in WP(MD). 20141/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari to call for the records relating to the order passed by the 1st respondent in RA(SA)94/2013 dated 12.4.2019 confirming the order passed by the 2nd respondent in S.A.No.150/2007 dated 4.7.2008 and quash the same.

For Petitioners : Mr.M.Gnanagurunathan

For Respondent : Mrs.L.Victoria Gowri, ASGI

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This contempt petition has been filed alleging that there is a wilful disobedience of the order and direction passed in W.P.(MD). No.20141 of 2019.

2.The Registrar of the Debts Recovery Appellate Tribunal has filed a counter affidavit, in paragraph No.10 it has been stated as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>



"It is humbly submitted that, a copy of the aforesaid order dated 04.11.2019 was received in the DRAT on 21.11.2019 and the DRAT considered the matter on 27.11.2019, in the presence of Counsels of the petitioner as well as the Respondent Bank. The DRAT Order dated 27.11.2019 observed as below:

The counsel for parties fairly concedes that amount of pre-deposit is not lying with the Registrar of DRAT, rather long while it has been received by bank and also appropriated in Loan account.

It appears that counsel for parties failed to inform the Hon'ble High Court regarding appropriation of pre-deposit. Hence order dated 04.11.2019 came to be passed. In view of the aforesaid, it is not possible for issue of any Demand Draft of pay order or ECS etc., to ensure compliance.

It is needless to write that both parties may work out their remedy in appropriate forum if advised so"

3.In the light of the same, this contempt petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tta/rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
R.Kamalahar,
The Registrar,
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
No.55, Ethiraj Salai, Chennai-600 008.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-24177[F] dated 28/07/2021)

Cont. P (MD) No.1001 of 2020

27.07.2021