



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

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THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P (MD)No.20101 of 2021
and
WMP (MD)No.16806 of 2021

1) P.Hariharan

2) H.Krishnaveni

... Petitioners

vs.

1) The Authorized Officer,
THE REPCO Home Finance,
Repco Tower, No.33, North Usman Road,
T.Nagar, Chennai-17.

2) The Chief Judicial Magistrate,
District Court Buildings,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned order in proceedings dated 01.09.2021 in AIR.(SA).151/2021 on the file of the Debt Recovery Appellate Tribunal, Chennai, and quash the same as illegal and allow the writ petition.

For Petitioners : Mr.Sethuraman, Senior Counsel for
Mr.AN.Ramanathan

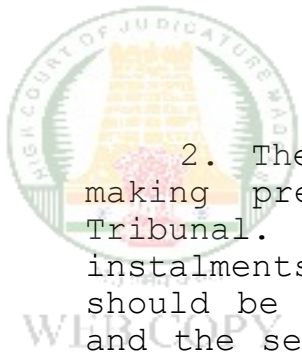
For R1 : Mr.B.Rajesh Saravanan

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is against the order dated 01.09.2021, passed by the Debt Recovery Appellate Tribunal, Chennai, in AIR.(SA).151/2021 which was filed against the order dated 06.08.2021 passed in I.A.No.1042 of 2021 in S.A.No.271 of 2021 by the Debt Recovery Tribunal, Madurai.

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



2. The said I.A. is filed for seeking extension of time for making pre-deposit of Rs.25 lakhs with the Registrar of the Tribunal. The Debt Recovery Appellate Tribunal had granted two instalments out of which, the first instalment of Rs.12.50 Lakhs should be deposited within a period of four weeks from 01.09.2021 and the second instalment of Rs.12.50 Lakhs should be deposited on or before 29.10.2021.

3. Today, the learned Senior Counsel appearing for the petitioners would state that the first instalment amount of Rs.12.50 Lakhs has been deposited within the stipulated time and the petitioners are able to mobilise only Rs.4 Lakhs and seeks further time to deposit the balance amount to enable them to contest the matter before the Debt Recovery Tribunal.

4. Mr.Rajesh Saravanan, learned counsel accepts notice on behalf of the 1st respondent.

5. Though the learned counsel for the 1st respondent raised an objection that since the order has been passed by the Debt Recovery Appellate Tribunal, Chennai, the writ petition ought to have been filed before the principal seat at Madras, having entertained the same in the Madurai Bench, we are of the view that only the time may be extended to enable the writ petitioners to deposit the balance amount on or before 26.11.2021.

6. Accordingly, the time granted by the Debt Recovery Appellate Tribunal, Chennai, is extended till 26.11.2021 to deposit the balance amount of Rs.12.50 Lakhs, failing which, the matter will be decided on merits.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1)The Chief Judicial Magistrate,
District Court Buildings,
Madurai.



2.The Debt Recovery Appellate Tribunal,
Chennai

+1 CC to M/s.AN. RAMANATHAN, Advocate(SR-34640[F] dated
16/11/2021)

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W.P(MD)No.20101 of 2021

DATED : 15.11.2021

MGJ/PM(24.11.2021) 3P 4C