

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30712 of 2017

V.Iswarya .. Petitioner

v.

1. The Authorized Officer and Chief Manager
Indian Bank, Vadapalani
Chennai 600 026

2. Mr.D.Viswanathan

3. The Registrar
Debts Recovery Appellate Tribunal
4th Floor
Indian Bank Circle Office
Chennai 600 008

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records on the file of the 3rd respondent - The Registrar, Debts Recovery Appellate Tribunal, Chennai in RA (SA) No.70 of 2013 dated 13.07.2017, quash the same.

For Petitioner :: Mr.D.Suresh

For Respondents :: Mr.B.Murugavel for R1
 Mr.L.Chandrakumar for R2
 R3-Tribunal

ORDER

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

The petitioner has questioned the impugned order dated 13.07.2017 passed by the Debts Recovery Appellate Tribunal, Chennai in R.A.(SA) No.70 of 2013.

2. During the pendency of this writ petition, the petitioner and the second respondent, desirous of settling their dispute, have approached the National Lok Adalat organised by the High Court Legal Services Committee, Chennai and in the National Lok Adalat held on 13.08.2022, taking on record the memorandum of understanding entered into between the petitioner and the second respondent forming part and parcel of the proceedings, the National Lok Adalat has also passed an Award under Section 21 of Chapter VI of the Legal Services Authorities Act, 1987 on the said date.

3. The petitioner and the second respondent who are present before the Court along with their counsels, also submitted that they have settled the dispute upon entering into a memorandum of understanding as per the Award dated 13.08.2022 passed by the National Lok Adalat.

4. A perusal of the aforesaid Award shows that the property of the petitioner was auctioned and the second respondent became the successful purchaser. Thereafter, when a dispute arose, the petitioner and the second respondent had settled the dispute and the petitioner also made it clear that she did not want to challenge the auction conducted by the first respondent Bank and finally requested for withdrawal of the writ petition and made an endorsement to that effect. Based on the memorandum of understanding entered between the petitioner and the second respondent, the Award came to be passed.

5. Since the petitioner and the second respondent have amicably settled

the dispute upon the terms agreed to between them in the memorandum of understanding, recording the Award dated 13.08.2022 passed by the National Lok Adalat, the writ petition stands disposed of. Consequently, W.M.P.Nos.33621 & 33622 of 2017 are closed. There shall be no order as to costs.

Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.K.K.,J.)
11.10.2022

ss

To

1. The Authorized Officer and Chief Manager
Indian Bank
Vadapalani
Chennai 600 026
2. The Registrar
Debts Recovery Appellate Tribunal
4th Floor
Indian Bank Circle Office
Chennai 600 008

W.P.No.30712 of 2017

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

W.P.No.30712 of 2017

11.10.2022