



WP No.21856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

WP No.21856 of 2023

Selvi S. : Petitioner

versus

Authorised Officer,
Cholamandalam Investment & Finance company Ltd.
Nos.301, 302, III Floor, Raheja Centre,
No.1073, Avinashi Road,
Coimbatore 641 018 : Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for records and quash the order of Debt Recovery Appellate Tribunal, Chennai, in IA No.35 of 2023 in AIR (SA) No.459 of 2022 dated 05.07.2023 and consequently to modify the condition imposed.

For the Petitioner : Mr.N.S.Thanu Madhan

For the Respondent : Mr.Kishore Balasubramanian



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.S.Thanu Madhan, learned counsel for the petitioner and Mr.Kishore Balasubramanian, learned counsel for the respondent.

2. The present Writ Petition is filed against the order of the Debt Recovery Appellate Tribunal directing the petitioner to deposit Rs.30,51,435/- (Rupees Thirty Lakh Fifty One Thousand Four Hundred and Thirty Five only).

3. Under the interim order of this Court dated 27.07.2023, the petitioner was directed to deposit Rs.15,00,000/- (Rupees Fifteen Lakh only). It is submitted that the said sum has been deposited. Earlier to that, the petitioner has deposited a sum of Rs.37,50,000/- (Rupees Thirty Seven Lakh and Fifty Thousand only).

4. In light of the above, the Debts Recovery Tribunal shall consider the securitisation application filed by the petitioner on its own



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merits and consider the amount deposited by the petitioner to be the amount deposited as pre-deposit. The petitioner may claim all further reliefs from the Debts Recovery Tribunal and the Debt Recovery Appellate Tribunal where the proceedings are pending.

5. The Writ Petition is disposed of. There will be no order as to costs. Consequently, WMP No.21183 and 23850 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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