



WP Nos.33943 and 33949 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.33943 and 33949 of 2023
and WMP Nos.33832 and 33833 of 2023

P.Pon Ananthakumar

.. Petitioner in both the writ petitions

-vs-

1. The Authorised Officer,
Indian Overseas Bank,
Ramalinganagar Branch,
No.371/1, 1st Floor,
Sri Kalarani Towers,
N.S.R.Road, Saibaba Colony,
Coimbatore – 641 011.

2. M/s Manimegalai

.. Respondents in both the writ petitions

Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records in the order dated 21.08.2023 passed by the Hon'ble Debts Recovery Appellate Tribunal, Chennai in A.I.R..(SA)Nos.420 and 421 of 2022 and quash the same.

For the Petitioner : Mr.N.Ramakrishnan

For the Respondents : for ARK Law Associates
Mr.N.Somasundar
Standing Counsel for R-1

* * * * *



WP Nos.33943 and 33949 of 2023

WEB COPY

COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Ramakrishnan, learned counsel for the petitioner and Mr.N.Somasundar, learned standing counsel for respondent No.1.

2. The writ petition is filed against the order of the Debt Recovery Appellate Tribunal dismissing the appeal filed by the petitioner on account of non-compliance of the order dated 23.06.2023. The petitioner was directed to deposit Rs.17,64,689/- (Rupees seventeen lakhs sixty four thousand six hundred eighty nine only). The learned counsel for the petitioner submits that the petitioner has been in a position to accumulate Rs.9,00,000/- and seeks further one week time to deposit the entire amount as directed by the Debt Recovery Appellate Tribunal.

3. The learned counsel for the first respondent bank opposes the said request.



WP Nos.33943 and 33949 of 2023

WEB COPY

4. Considering the submission made, we pass the following order:

- a) The amount of Rs.17,64,689/- (Rupees seventeen lakhs sixty four thousand six hundred eighty nine only) as directed by the Debt Recovery Appellate Tribunal under order dated 23.06.2023 and extended by subsequent orders shall be deposited by the petitioner before the Appellate Tribunal within one week from today.
- b) Failure to deposit the amount would entail dismissal of the appeal before the Appellate Tribunal.
- c) If the amount as directed is deposited within one week from today, then the appeal may be considered by the Appellate Tribunal on merits expeditiously.

The writ petitions, accordingly, stand disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.12.2023

Index : Yes/No
Neutral Citation : Yes/No

sra



WEB COPY



WP Nos.33943 and 33949 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Authorised Officer,
Indian Overseas Bank,
Ramalinganagar Branch,
No.371/1, 1st Floor,
Sri Kalarani Towers,
N.S.R.Road, Saibaba Colony,
Coimbatore – 641 011.
2. The Registrar
Debt Recovery Appellate Tribunal,
Chennai.

WP Nos.33943 and 33949 of 2023

12.12.2023