



WP No.1478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.1478 of 2024
and WMP Nos.1496 and 1497 of 2024

1. Mahalingam Mayilsamy
2. Manimehalai Gopalsamy

.. Petitioners

-VS-

RBL Bank Ltd.,
No.1023, RG Chambers,
Avinashi Road, Coimbatore 641 018,
Rep. by its Authorised Officer.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in I.A.No.4321 of 2023 in S.A.No.892 of 2023 dated 18.12.2023 on the file of Debt Recovery Tribunal, Coimbatore and quash the same and to modify the conditions as may be fixed by this Court.

For the Petitioners : Mr.G.R.Subramanian

For the Respondents : M/s.N.Parameshwari

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WP No.1478 of 2024

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.T.Subramanian, learned counsel for the petitioners and Ms.N.Parameshwari, learned counsel for the respondent.

2. The present petition is filed against the order of the Debts Recovery Tribunal, Coimbatore, directing pre-deposit of the amount. The petitioners were directed to deposit Rs.59,00,000/- (Rupees fifty nine lakhs only) in two instalments. The petitioners deposited the first instalment of Rs.29,50,000/- (Rupees twenty nine lakhs fifty thousand only), however, filed the present writ petition for modification of the order of pre-deposit.

3. Under order dated 23.01.2024, we directed the petitioners to deposit Rs.5,00,000/- (Rupees five lakhs only). The said order is complied by the petitioners.



WP No.1478 of 2024

WEB COPY

4. The learned counsel for the petitioners submits that the bank had misled the learned Chief Judicial Magistrate. The bank filed an affidavit saying that no objection was raised by the petitioners to the notice under Section 13(2) of the SARFAESI Act. However, the same is incorrect. The petitioners have raised objection to the notice under Section 13(2). In the present petition, the counter-affidavit is filed saying that objection has been raised. By misleading the learned Chief Judicial Magistrate, the order has been obtained. The learned counsel further submits that the petitioners have deposited a total sum of Rs.34,50,000/- (Rupees thirty four lakhs fifty thousand only). The said aspect also needs to be considered.

5. According to the learned counsel for the bank, Rs.10,00,000/- (Rupees ten lakhs only) has been deposited by the petitioners while considering the application for condonation of delay.

6. Be that as it may, the petitioners were directed to deposit Rs.59,00,000/- (Rupees fifty nine lakhs only) by the Debts Recovery Tribunal. The said amount is not even 50% of the amount that would



WP No.1478 of 2024

be outstanding. The petitioners have deposited an amount of Rs.34,50,000/- after the order is passed by the authority directing the petitioners to deposit the amount. The petitioners are required to deposit Rs.24,50,000/- (Rupees twenty four lakhs fifty thousand only). The difficulties are expressed by the learned counsel for the petitioners stating that the petitioners have lost the possession of the secured asset.

7. Considering the above, we extend the time to deposit the amount of Rs.24,50,000/- (Rupees twenty four lakhs fifty thousand only) by four weeks from today. The petitioners shall deposit the remaining amount of Rs.24,50,000/- on or before 25.04.2024. In case, the petitioners deposit the said amount on or before 25.04.2024, then the same be deemed to be the compliance of the order passed by the Debts Recovery Tribunal directing the petitioners to deposit the amount.

With the aforesaid direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.1497 of 2024 is closed. W.M.P.No.1496 of 2024 filed by the petitioners to



WP No.1478 of 2024

permit them to file a single writ petition is allowed and disposed of, inasmuch as the petitioners have paid separate sets of court-fee.

(S.V.G., CJ.)

(D.B.C., J.)

25.03.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Authorised Officer,
RBL Bank Ltd.,
No.1023, RG Chambers,
Avinashi Road, Coimbatore 641 018.



WEB COPY



WP No.1478 of 2024

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

(sra)

WP No.1478 of 2024

25.03.2024