



W.P.No.223 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.223 of 2017
and W.M.P.Nos.210 to 213 of 2017

Mohideen Bava

.. Petitioner

vs.

1.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

2.The Registrar,
Debt Recovery Tribunal,
Bangalore, Karnataka.

3.Union Bank of India,
Asset Recovery Branch,
No.583/584, 2nd Floor, Pooja Complex,
Avenue Road, Bangalore-560 002,
rep. by its Chief Manager &
Power of Attorney Holder Chandra Mouli.

4.Venkatalakshamma

5.V.Lokesh

6.V.Vijayakumar

7.V.Venkatesh

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order dated 5.12.2016 passed by the first respondent authority in A.I.R.No.674 of 2013 and quash the same and consequently direct the first respondent authority to entertain the appeal filed by the petitioner under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993) in A.I.R.No.674 of 2013, challenging the order dated 4.7.2013 in O.A.No.388 of 2010 passed by the second respondent and proceed in accordance with law without insisting on any conditional payment by the petitioner.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.S.Gopinath
for M/s.M.R.Gokul Krishnan
for respondent No.3

ORDER

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

Petitioner is challenging the order dated 5th December, 2016 passed by Debt Recovery Appellate Tribunal, Chennai (DRAT). By the said order, petitioner was directed to deposit a sum of Rs.6.00 lakh within one month, failing which, petitioner's application would stand dismissed and,



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consequently, appeal would stand rejected. The amount was not deposited by petitioner. We are informed that, on 31st January, 2017, appeal was dismissed.

2. Learned counsel for petitioner states that, without prejudice to the rights and contentions of petitioner, petitioner is ready to deposit the amount of Rs.6.00 lakh and request the appeal be restored to file. Learned counsel for petitioner also states that petitioner is in possession of the mortgaged property.

3. If petitioner deposits the amount of Rs.6.00 lakh (Rupees Six Lakh only) on or before 15th October, 2024, the appeal shall stand restored. No application for extension of time to deposit this amount shall be entertained.

4. Writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, all interim applications also stand disposed of.



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(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

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Index : Yes/No
NC : Yes/No
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To

1.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

2.The Registrar,
Debt Recovery Tribunal,
Bangalore, Karnataka.

3.The Chief Manager &
Power of Attorney Holder
Union Bank of India,
Asset Recovery Branch,
No.583/584, 2nd Floor, Pooja Complex,
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

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