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WP Nos.5474, 5477, 5479 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP Nos.5474, 5477, 5479 of 2020

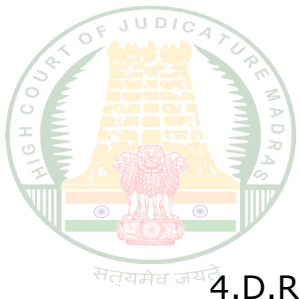
M/s.NU-Tech Associates
Rep. by its Proprietor
B.Nagi Reddy

: Petitioner in all petitions

Vs

- 1.Debt Recovery Appellate Tribunal
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai
Chennai 600 008, Tamil Nadu.
- 2.Debt Recovery Tribunal -I
6th Floor Spencer Tower
770-A Anna Salai
Chennai 600 002, Tamil Nadu.
- 3.Canara Bank
(Formerly known as Syndicate Bank)
A Bank constituted under the Central Act 5 of 1970
having its Head Office at Manipal Interalia
a Housing Finance Branch at 245, R.K. Mutt Road,
Mylspore, Chennai 600 004

(Amended as per order dated 19.03.2025)



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4.D.Ramadas

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5.B.R.Savithri

: Respondents in all petitions

Prayer: WP No.5474 OF 2020 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records related to the impugned order dated 12.04.2019 in AIR.98 of 2018 along with the applications passed by 1st respondent and to quash the same.

WP No.5477 OF 2020 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records related to the impugned order dated 11.08.2010 in Original Application No.164 of 2009 passed by 2nd respondent and to quash the same.

WP No.5479 OF 2020 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records related to the impugned order dated 11.08.2010 in Original Application No.165 of 2009 passed by 2nd respondent and to quash the same.

For Petitioner : Mr.A.Vikash

For Respondents : Mr.S.Viswanathan,
For respondent No.3

No appearance for respondents 4 and 5



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COMMON ORDER

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

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Heard Mr.Vikash, learned counsel for the petitioner and Mr.Viswanathan, learned counsel appearing for respondent No.3. None appears for respondents 4 and 5 despite service of notice.

2. A short issue arises for consideration in WP No.5474 of 2020.

3. The petitioner is an unfortunate litigant, who has not been able to get the issue decided on its own merits either because it remained pending before the High Court, as Debt Recovery Appellate Tribunal (for short, 'the Appellate Tribunal') was not in existence or because he fell into the complexities of filing and various procedural defects, until it was re-presented before the Appellate Tribunal.

4. The factual premise which led to the dismissal of the application seeking condonation of delay, as we see from the order of the Appellate Tribunal appears to be the delay caused on account of



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re-presentation. It is apparent that the petitioner, aggrieved by the order passed by the Debts Recovery Tribunal, had promptly approached this Court by filing civil revision petitions in the year 2010 itself. The said petitions remained pending for about eight years, only to be returned for being presented before the Appellate Tribunal, which had come into existence by that time. An order was passed by this Court in the revision petitions on 31.01.2018 and the petitioner submitted his appeal on 15.02.2018. However, there were certain defects, due to which the presentation was returned.

5. The details of the complexities, objections and steps taken by the petitioner as enumerated in the memo of compliance submitted before the Appellate Tribunal, shows that the petitioner at no point of time, had remained indolent; but was taking necessary steps for re-presentation, after complying with the various defects and satisfying the queries raised. In this manner, about 113 days lapsed before it could be re-presented.

6. We do not approve of the view of the Appellate Tribunal in taking a very technical approach, ignoring the fact that the



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petitioner had been pursuing the matter since 2010. It is well settled that in the matter of considering an application for condonation of delay, particularly when it is a case of only re-presentation after clearing the defects, a liberal approach is required to be adopted, rather than finding out ways and means to close the case. It does not serve the purpose and defeats justice.

7. Applying the aforesaid principle, we are of the view that the Appellate Tribunal was not correct in rejecting the application for condonation of delay which occurred in re-presentation.

8. In the result, WP No.5474 of 2020 is allowed and the impugned order passed by Debt Recovery Appellate Tribunal is set aside and the delay is condoned.

9. The Appellate Tribunal shall now proceed to decide the appeal on its own merits, as expeditiously as possible and in any case, not later than three months from the date, service is complete.



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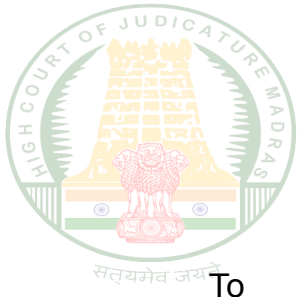
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10. In view of the order passed in WP No.5474 of 2020, WP Nos.5477 and 5479 of 2020 are disposed of.

11. There will be no order as to costs. Consequently, WMP Nos.6400 and 6402 of 2020 are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (SUNDER MOHAN, J.)
30.07.2025

Index : Yes/No
Neutral Citation : Yes/No
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