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W.P.No.11506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.11506 of 2025

&

W.M.P.Nos.12993 & 12994 of 2025

1. Lakshmanan Muniyandi
2. Jayalakshmi Muniyandi

.. Petitioners

Vs.

1. The Authorised Officer
Indiabulls Housing Finance Limited
No.20, Apex Chamber, 1st Floor
Sri Thyagaraja Road, T.Nagar
Chennai 600 017.

2. The Authorised Officer
CFM Asset Reconstruction Pvt. Ltd.
No.001, Manito Commanders Marbel
DUO Marvel Layout, Ananthapura Road
Yelahanka, Bangalore 560 006.

3. AKS Housing Development Company Pvt. Ltd.
Rep. by its Managing Director
Office at AKS Druva Apartment
New No.12, Old No.17, Balaji Avenue
1st Street, T. Nagar, Chennai 600 017.

.. Respondents



W.P.No.11506 of 2025

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records in A.I.R.No.1068 of 2024 and I.A.No.560 of 2024 dated 12.02.2025 passed by the Debt Recovery Appellate Tribunal, Chennai and quash the same as illegal, incompetent and wholly without jurisdiction.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
For Mr.Sunny Sheen Akkara

For Respondents : Mr.T.Sai Krishnan
for Respondents 1 & 2

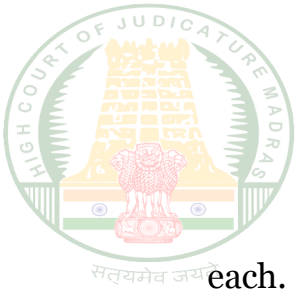
Mr.E.Om Prakash
Senior Counsel
For M/s. Ramalingam & Associates
for Respondent-3

ORDER

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

Petition impugns an order dated 12.02.2025, by which, petitioners' appeal was dismissed due to non-compliance with a conditional order dated 27.12.2024.

2. It is petitioners' case that on 27.12.2024, petitioners were directed to deposit a sum of Rs.1,70,30,929.50 in two installments of Rs.85,15,465/-



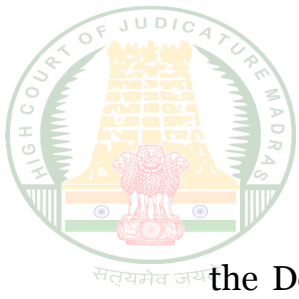
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each. Admittedly, petitioners made a deposit of Rs.85,15,465/- on 10.01.2025, but the second installment could not be paid. Petitioners sought an extension of two weeks for depositing the second installment, which was granted. Petitioners could not pay the second installment within the extended period and hence, by the impugned order, appeal came to be dismissed.

3. Shri. Raghavachari, appearing for petitioners, stated that there is a Pay Order for Rs.85,15,465/- towards the second installment and the same shall be deposited in the Debt Recovery Appellate Tribunal either before the close of business today or tomorrow (03.04.2025). The Court imposed a further condition that petitioners should pay a further sum of Rs.15,00,000/- for restoring the appeal. Shri. Raghavachari, on instructions, stated the amount of Rs.15,00,000/- shall be deposited on or before 07.04.2025.

4. In view of the statement made by Shri. Raghavachari, which we accept as an undertaking to the Court, we restore the appeal pending before



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the Debt Recovery Appellate Tribunal being AIR No.1068 of 2024. If the amount of Rs.15,00,000/- is not paid on or before 07.04.2025, with no chance of extension being granted by this Court, the order above restoring the appeal will stand recalled. In such a case, the bank may appropriate the amount already deposited towards the loan amount.

5. Petition is disposed of. All rights and contentions are kept open. There shall be no order as to costs. Consequently, W.M.P.No.12993 of 2025 filed to permit petitioners to join and file a single writ petition is ordered and W.M.P.No.12994 of 2025 also stands disposed.

6. We clarify we have not made any observation on the merits of the appeal pending before the Debt Recovery Appellate Tribunal.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ.J.)

02.04.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(kpl)

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