



WEB COPY



W.P.No.35031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.35031 of 2024
and W.M.P.Nos.37981 and 37985 of 2024

1.Jagadhambal

2.G.Sivapatham

Petitioners are represented through their
Power of Attorney Aroon Ramadass,
No.8, Kamaraj Street, Mayiladuthurai.

Presently residing at:
Door No.188/13-A, Mahadhana Street,
Mayiladuthurai Town,
Mayiladuthurai District-691 001.

.. Petitioners

VS

1.The Registrar,
Debt Recovery Appellate Tribunal (DRAT),
7th Floor, Additional Office Building,
Shastri Bhavan,
Haddows Road,
Chennai-600 006.



W.P.No.35031 of 2024

WEB COPY

2.The Authorized Officer,
City Union Bank Ltd.,
Credit Recovery and Management Dept.,
"Narayana", Administrative Officer,
No.24-B, Gandhi Nagar,
Kumbakonam-612 001.

3.Anbarasi Veerapandiyan

4.Veerapandiyan Samikkannu

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the first respondent to quash the proceedings dated 10.8.2023 made in AIR (SA) 314 of 2022 by the first respondent thereby direct the first respondent to restore the appeal as early as on 19.05.2023 and to dispose of the same in accordance with law.

For Petitioners : Mr.S.Vasudevan
for M/s.v.Manisekaran

For Respondents : Mrs.K.R.Ananda Gomathy
for respondent No.2

: R1 - Tribunal

ORDER

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

According to petitioners, the Registrar of Debt Recovery Appellate Tribunal, Chennai, has overstepped his authority, inasmuch as when the



W.P.No.35031 of 2024

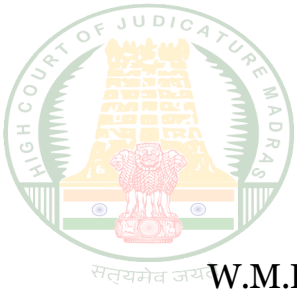
WEB COPY

Debt Recovery Appellate Tribunal has passed an order for numbering the appeal and listed for hearing, the Registrar has numbered but says petitioners herein have not complied with the waiver petition nor made mandatory pre-deposit in this case.

2. Admittedly, the waiver petition which was filed has been withdrawn. What has to be seen is whether the mandatory pre-deposit has been made. The amount mentioned in the sale notice dated 25th January, 2022 is Rs.3,13,58,271/-, 50% of which is Rs.1,56,79,135.50.

3. It is petitioners' case that, after the sale notice, petitioners have deposited Rs.1,60,00,000/- with the bank directly instead of depositing it with the Debt Recovery Appellate Tribunal. In the counter to the petition filed, it is admitted that petitioners have paid a sum of Rs.1,60,00,000/-. Therefore, in our view, the pre-deposit condition has been complied with. The Debt Recovery Appellate Tribunal shall proceed to hear the appeal as per its roster.

4. Petition is disposed of. There shall be no order as to costs.



W.P.No.35031 of 2024

WEB COPY

W.M.P.No.37981 of 2024 filed to permit petitioners to file a single writ petition is allowed, subject to payment of separate court-fees within two weeks. If separate court fees is not paid within two weeks, this order passed shall stand recalled. W.M.P.No.37985 of 2024 is closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

16.04.2025

Index : Yes/No
NC : Yes/No
bbr

To

- 1.The Registrar,
Debt Recovery Appellate Tribunal (DRAT),
7th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Chennai-600 006.
- 2.The Authorized Officer,
City Union Bank Ltd.,
Credit Recovery and Management Dept.,
"Narayana", Administrative Officer,
No.24-B, Gandhi Nagar,
Kumbakonam-612 001.



WEB COPY



W.P.No.35031 of 2024

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

bbr

W.P.No.35031 of 2024

16.04.2025