



W.P.Nos.14453 and 14457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.14453 and 14457 of 2025

W.P.No.14453 of 2025:

K.Ishtalingam
S/o.E.Kuppusamy
No.27/12, A.S.Nagar,
Vandimedu,
Villupuram.

Petitioner

Vs

1.Punjab National Bank
Thiruvampattu Branch
Gingee Taluk,
Villupuram District

2.J.Sathya
W/o. Jahannathan
No.264, Roja Street,
KVR Nagar,
Vandimedu, Villupuram

3.Jahannathan
S/o.Ramalingam,
No.264, Roja Street,
KVR Nagar,
Vandimedu, Villupuram

Respondents



W.P.Nos.14453 and 14457 of 2025

W.P.No.14457 of 2025:

K.Ishtalingam
S/o.E.Kuppusamy
No.27/12, A.S.Nagar,
Vandimedu,
Villupuram.

Petitioner

Vs

1.Punjab National Bank
Thiruvampattu Branch
Gingee Taluk,
Villupuram District

2.A.Manivannan
S/o.Appasamy
No.261/58, Chennai Main Road,
Ganapathy Nagar,
Villupuram-605 602

3.Jahannathan
S/o.Ramalingam,
No.264, Roja Street,
KVR Nagar,
Vandimedu, Villupuram

Respondents

PRAYER in W.P.No.14453 of 2025: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare the order passed by the learned Debt Recovery Tribunal-II in T.A.No.473 of 2023 dated 22.03.2024 and consequential order passed in M.A.No.2 of 2025 dated 27.03.2025 as void-ab-initio, unconstitutional, null and void on the ground of lack of jurisdiction.

PRAYER in W.P.No.14457 of 2025: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare the order passed by the learned Debt Recovery Tribunal-II in



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T.A.No.660 of 2023 dated 26.03.2024 and consequential order passed in M.A.No.3 of 2025 dated 27.03.2025 as void-ab-initio, unconstitutional, null and void on the ground of lack of jurisdiction.

For Petitioner Mr.R.Sreedhar
in both WPs:

For Respondents Mr.J.Arun Prasad
in both WPs: for respondent No.1

No appearance
for respondent Nos.2 and 3

COMMON ORDER

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

Heard learned counsel for the parties.

2. This order shall dispose of both the petitions, as there is similar question for consideration involved.

3. The first question framed by us on an earlier date of hearing was that while considering the claim of recovery by the bank in proceedings instituted under Recovery of Debts and Bankruptcy Act, 1993, whether the Tribunal could direct payment of 50% of the claim of the bank even before adjudication of the same through a final order.



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4. We find that, in both the cases, though prayer for setting aside the *ex parte* order has been accepted, the Debts Recovery Tribunal has imposed condition of payment of 50% of the claim made by the bank.

5. Learned counsel for the respondent bank could not satisfy us with reference to any provision contained in Recovery of Debts and Bankruptcy Act that any such amount is payable as pre-deposit. The condition imposed by the Debts Recovery Tribunal is completely arbitrary and not supported by any of the provisions of the Recovery of Debts and Bankruptcy Act.

6. In view of our answer to the first question, which we framed earlier, it is not necessary for us to decide the second question. We leave it open to be decided in the pending proceedings before the Debts Recovery Tribunal, if any such objection is raised by the petitioner.

7. In the result, the impugned orders in both the cases to the extent of directing the petitioner to deposit 50% of the claim made in



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the application by the bank are set aside. Accordingly, the writ petitions are allowed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
10.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:

Punjab National Bank
Thiruvampattu Branch
Gingee Taluk,
Villupuram District



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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