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W.P.No.35897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

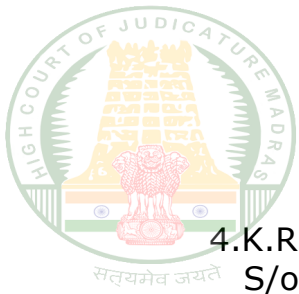
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.35897 of 2025

and W.M.P.Nos.40151 and 40155 of 2025

- 1.RM.Karuppaiah  
S/o. Rama Thevar,  
961/3, Pannerpallam,  
N.Pudur via Nachandupatti Post,  
Tirumayam Taluk,  
Pudukottai District-622 404
- 2.K.R. Alagu,  
W/o.R.M.Karuppaiah,  
961/3, Pannerpallam,  
N.Pudur via Nachandupatti Post,  
Tirumayam Taluk,  
Pudukottai District-622 404
- 3.K.R.Karthick Kumar  
S/o.R.M.Karuppaiah,  
6/186, Pannerpallam,  
Lembalakudi, Tirumayam,  
Pudukottai District-622 412

Also at  
4/79, Pannerpallam,  
Nachandupatti Post,  
Pudukottai District -622 404



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4.K.R.Shanthi  
S/o.RM. Karuppaiah,  
533, Sivan Koil St, Virachilai,  
Tirumayam,  
Pudukottai District-622 412

5.P.Manonmani  
W/o. KR Palaniappan,  
7/81, Virachilai, Tirumayam,  
Pudukottai District -622 412

6.K.R.Sarasu  
W/o.RM. Karuppaiah,  
Pannerpallam,  
Nachandupatti Post,  
Pudukottai District -622 404

7.K.R.Pasupathi  
S/o.R.M.Karuppiyah,  
Pannerpallam,  
Nachandupatti Post,  
Pudukottai District -622 404

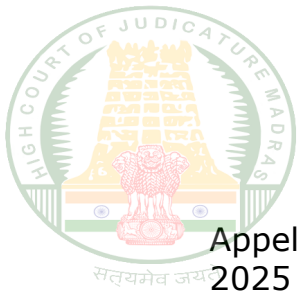
Petitioners

Vs

State Bank of India  
Rep. by its Branch Manager,  
Tirumayam Branch,  
P.O. No.1, Pudukottai Madurai Road,  
Pudukottai-622 507

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to the orders (i) dated 17.07.2025 in I.A.No.183 of 2025 in AIR No.1904 of 2024 passed by the Hon'ble Debt Recovery



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Appellate Tribunal, Chennai and (ii) dated 18.08.2025 in I.A.No.183 of 2025 in A.I.R. No.1904 of 2024 and quash the same and consequently direct the Hon'ble Debt Recovery Appellate Tribunal to restore and number the appeal in A.I.R. No.1904 of 2024 and decide the same on merits and in accordance with law.

For Petitioners: Mr.T.Saikrishnan

For Respondent: Mr.M.L.Ganesh

ORDER

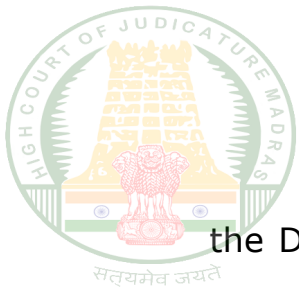
(Order of the Court was made by the Hon'ble Chief Justice)

Shri M.L.Ganesh, learned counsel, entered appearance on behalf of the respondent bank.

2. Heard learned counsel for the parties.

3. The order of the Debt Recovery Appellate Tribunal [DRAT] is assailed before us, by which, petitioners' application seeking waiver of the statutory pre-deposit has been partly rejected to the extent of waiver of pre-deposit upto 25%.

4. Learned counsel for the petitioners would submit that even though the petitioners have given details of their financial crunch,



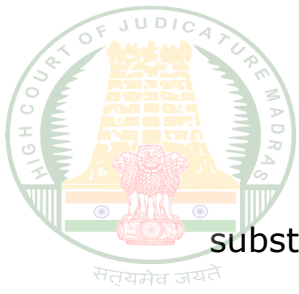
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the DRAT has mechanically directed payment of 40%, whereas the petitioners have made out a case of reducing the pre-deposit upto 25%, which is permissible under the statutory scheme of Section 21 of the Recovery of Debts and Bankruptcy Act, 1993.

5. We find that the petitioners have made certain averments in their application seeking waiver of pre-deposit, which includes a specific mention of serious financial crunch due to Covid-19 pandemic.

6. We are of the view that the DRAT, if not satisfied with the bald statement, ought to have directed the petitioners to place relevant documents, including the income tax return, to satisfy that they have serious financial stress, so much so that even an order directing deposit of 40% would cause serious hardship.

7. In that view of the matter, we are inclined to give liberty to the petitioners to move an application before the DRAT seeking modification of its earlier order along with relevant documents to



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substantiate their claim of acute financial crisis.

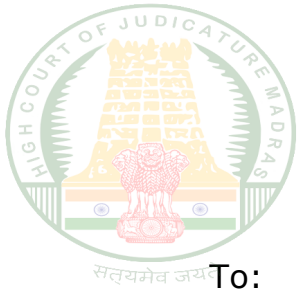
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8. However, taking into consideration that under any circumstances the petitioners are obliged under law to deposit 25% of the amount as mandated under Section 21 of the Act, the application of the petitioners shall be entertained only upon the petitioners depositing 25% with the DRAT.

9. The petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, W.M.P.No.40155 of 2025 is closed. W.M.P.No.40151 of 2025 filed to permit the petitioners to file a single writ petition is ordered, inasmuch the petitioners have paid separate court-fee.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
25.09.2025

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

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The Branch Manager,  
State Bank of India  
Tirumayam Branch,  
P.O. No.1, Pudukottai Madurai Road,  
Pudukottai-622 507



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

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