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W.P.Nos.3128 and 3355 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM :

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

AND

THE HON'BLE MR. JUSTICE SENTHILKUMARAM MOORTHY

W.P.Nos.3128 and 3355 of 2019

and W.M.P.Nos.3656, 3391 and 3639 of 2019

V.Vijayakumar

.. Petitioner in both WPs.

Vs

1. The Chairperson

The Debt Recovery Appellate Tribunal at Chennai,
Chennai 600 002.

2. The Presiding Officer,

The Debt Recovery Tribunal-III at Chennai,
Chennai 600 002.

.. Respondents 1 and 2
in both WPs.

3. State Bank of India,

(Formerly State Bank of Travancore),
Rep. by its Authorised Officer, Asset Recovery
Management Branch, 4/1, Eldams Road,
Alwarpet, Chennai 600 106.

.. 3rd Respondent in
WP.3128 of 2019



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4. State Bank of India
(Formerly State Bank of Travancore),
Anna Nagar Western Extension
E-373, East Main Road, Chennai 600 101,
rep. by its Branch Manager

.. 4th Respondent in
WP.3128/2019 &
3rd Respondent in
WP.3355/2019

4. The Official Assignee, High Court,
Madras-104, Administering the Estate of
Vicky Khanna Sole Proprietor,
Chepauk Seals & Gaskets, Declared
Insolvent in I.P.No.120/95.

A.D.Raja Chandrasekar (Deceased),

5. A.Ramanathan
6. N.Kumaravel

.. Respondents 4 to 6
in WP.3355/2019

Prayer : Petitions filed under Article 226 of the Constitution of India seeking issuance of (i) WP.3138/2019 - writ of certiorari to call for all relevant records relating to the Impugned order passed by the 1st respondent herein dated 08.06.2018 in AIR No.13/2018 and the order dated 04.12.2017 passed by the 2nd respondent in S.A.No.464 of 2014 and quash the same as arbitrary, unreasonable, improper, illegal, against the established law, rules and regulations; and (ii) WP.3355/2019 - writ of certiorari to call for all relevant records relating to the Impugned order passed by the 1st respondent herein dated 08.06.2018 in AIR No.27/2018



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and the order dated 05.12.2017, passed by the 2nd respondent herein in MA.No.05 & 6/2014 in O.A.No.320 of 2007 and quash the same as arbitrary, unreasonable, improper, illegal, against the established law, rules and regulations.

For Petitioner
in both WPs. : Mr.K.S.Narayanan

For Respondents
in both WPs. : RR 1 and 2 – Tribunal

For Respondents
3 and 4 in WP.3128
of 2019 and For
Respondent 3 in
WP.3355 of 2019 : Mr.T.Senthilkumar
for RR 3 and 4

* * * * *

COMMON ORDER

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

Counsel for petitioner states petitioner is dead. He does not know when petitioner died. The legal heirs have not brought themselves on record. Petitions, therefore, stand abated.

2. Moreover, petitions are impugning an order passed by the Debts



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Recovery Appellate Tribunal on 08.06.2018 dismissing the appeals on the ground that the same did not merit consideration. The appeals to the Debts Recovery Appellate Tribunal were impugning two orders passed by the Debts Recovery Tribunal on 01.05.2018 directing petitioner to make a pre-deposit of Rs.50 lakhs in one appeal and another pre-deposit of Rs.22 lakhs in connected appeal. The Debts Recovery Appellate Tribunal has recorded as under:

" On 1.5.2018, Tribunal has directed the Appellant to make a pre-deposit of Rs.50 lakhs in Appeal AIR-13/2018 and pre-deposit of Rs.22 lakhs in connected Appeal AIR-27/2018.

Appellant has not complied any of the orders on pre-deposit. His bonafides could have been revealed if at least one order could have been complied with. Against same cause of action, two orders have been passed by DRT. One order is passed in RDDB&FI Act proceedings and another order is passed in SARFAESI proceedings by DRT.

Appellant counsel has filed review petitions IA-463/2018 in AIR-13/2018, and IA-480/2018 in AIR-27/2018.

No good ground is made out to review the orders. Review is not possible. Hence, IA-463/2018 and IA-480/2018 are dismissed.

Appeals AIR-13/2018 and AIR-27/2018 are also dismissed for want of compliance of pre-deposit. In fact, remedy lies elsewhere and the Orders of this Tribunal can be challenged somewhere else."



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We find no perversity in the order passed by the Debts Recovery Appellate Tribunal. Petitions are, accordingly, dismissed. There shall be no order as to costs. Consequently, interim applications also stand dismissed.

(K.R.SHIRIRAM., CJ.)

(SENTHILKUMARAMAMOORTHY, J.)

02.01.2025

Index : Yes/No
NC : Yes/No

sra

To:

1. The Chairperson
The Debt Recovery Appellate Tribunal at Chennai,
Chennai 600 002.
2. The Presiding Officer,
The Debt Recovery Tribunal-III at Chennai,
Chennai 600 002.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sra)

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