



WEB COPY

WP No. 1679 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

**THE HON'BLE MR. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR. JUSTICE SHAMIM AHMED**

**WP No. 1679 of 2026
and
CMP Nos.1735, 1739, 1742 of 2026**

Dr.Rajeshwari

..Petitioner(s)

Vs

M/s.PNB Houing Finance Limited,
Through its Authorised Officer,
Mr.R.Kumaresan (aged 34 Years),
S/o. S.Rajendiran,
Having its Branch Office at No.1112,
Raja Plaza, 02nd Floor,
Avinashi Road, (Near Lakshmi Mills),
Coimbatore 641 037.

..Respondent(s)

Writ Petition has been filed under Article 226 of the Constitution of India to issue writ of Certiorari, calling for the records of the Debts Recovery Appellate Tribunal in MA (SA) No.4 of 2024 order dated 07.01.2026 is quash the same as an illegal.

For Petitioner(s):

Mr.K.Rajendraprasad

**ORDER****(Order of the Court was made by R.Suresh Kumar J.)**

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This writ petition has been filed against the order passed by the Debts Recovery Appellate Tribunal (DRAT), Chennai, dated 07.01.2026 made in MA. (SA) No.4 of 2024, arising out of IA.No.2656 of 2023 in S.A.(NDN).No.1204 of 2023 on the file of Debts Recovery Tribunal (DRT), Coimbatore.

2. The petitioner is the borrower and owner of the secured property, which has been mortgaged as a secured asset to the respondent/Bank. Due to the default of repaying the loan, SARFAESI proceedings were initiated, ultimately, Section 14 order has been passed under the Scrutinsation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002¹.

3. At that juncture, the petitioner approached the Debt Recovery Tribunal, where some conditional order has been passed and he was unable to comply with the order. Again, when an appeal was filed before the Debts Recovery Appellate Tribunal under Section 18 of the Act of 2002, a waiver application was also filed. The Debts Recovery Appellate Tribunal passed an order permitting the petitioner to pay 25% of the amount claimed by the secured creditor, that comes to Rs.11,30,000/-, which was paid by the petitioner.

¹In short, hereinafter referred as “the Act of 2002”



Thereafter, the Debts Recovery Appellate Tribunal, for want of Presiding Officer could not function for some time. Therefore, he was not able to move any stay petition before the Debts Recovery Appellate Tribunal. Hence, he once again approached this Court, seeking for a writ of mandamus. When that writ of mandamus was decided by a Division Bench of this Court, a conditional order was passed directing the petitioner to pay a sum of Rs.10,00,000/-, which also has been paid by the petitioner.

4. Thereafter, the Debts Recovery Appellate Tribunal, as the Chairperson has been appointed, has taken up the MA.(SA) No.4 of 2024 filed by the petitioner and decided it through the impugned order dated 07.01.2026, whereby, the matter was remitted back to the Debts Recovery Tribunal, Coimbatore, to rehear the matter and decide the same on merits, however, on condition that the petitioner shall deposit a sum of Rs.20,00,000/-, as a condition precedent for taking up of his proceedings by the Debts Recovery Tribunal, Coimbatore. Aggrieved over the same, the present writ petition has been filed.

5. Though it is only a remand order, where there has been a condition fixed by the Debts Recovery Appellate Tribunal, since the petitioner already paid Rs.11,30,000/- and Rs.10,00,000, as a conditions precedent ordered by the Court, totalling Rs.21,30,000/-, we deem it appropriate to modify the order



which is impugned herein passed by the Debts Recovery Appellate Tribunal by directing the petitioner to pay a sum of Rs.10,00,000/- before the Debts Recovery Tribunal, Coimbatore.

6. This is because the total due was Rs.52,52,405.46 as on 04.08.2023, out of which, Rs.21,30,000/- has already been paid. Now, if Rs.10,00,000/- more is paid, since the substantial due is paid by the petitioner, the Debts Recovery Tribunal, Coimbatore can take up the proceedings as directed by the Debts Recovery Appellate Tribunal through the impugned order and decide the same on merits.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

(i) That the order impugned passed by the Debts Recovery Appellate Tribunal is modified only to the limited extent, where the condition imposed by the Debts Recovery Appellate Tribunal, that the Appeal can be disposed by directing the petitioner to pay a sum of Rs.20,00,000/- is modified to Rs.10,00,000/-.

(ii) Hence, the petitioner shall pay the sum of Rs.10,00,000/- within a period of two weeks from today and on such condition the appeal can be taken up and decided by the Debts Recovery Tribunal, Coimbatore as directed by the Debts Recovery Appellate Tribunal through the impugned order dated 07.01.2026.



(iii) Failing to comply with the aforesaid condition that is the modified amount of Rs.10,00,000/-, it is open to the Debts Recovery Tribunal to pass orders on merits. Since the physical possession of the property in question is claimed to be with the petitioner the same *status quo* shall continue till the period of two weeks.

8. With these modification of the impugned order, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

[R.S.K.,J.] [S.S.A.,J.]
21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MKA/JENI

Note: Registry is directed to issue order copy on 27.01.2026

To

M/s.PNB Housing Finance Limited,
Through its Authorised Officer,
Mr.R.Kumaresan (aged 34 Years),
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