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W.P.No.3144 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.No.3144 of 2026

U.Mohanasundari

.. Petitioner

Vs.

1. M/s. REPCO Home Finance Ltd.
Plot No.4055, U Block
No.10, 1st Floor, Opp. Punjab National Bank
4th Main Road, Anna Nagar West
Chennai – 600 040.
Having Office at, Rep. By its Authorised Officer
V.Gomathi Shankar.

2. Rajaram
3. R.Sivakumar
4. S.Jayasudha
5. S.Thirunavukkarasu

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records pertaining to the impugned order passed by the Debt Recovery Appellate Tribunal, Chennai in IA.No.1029 of 2025 dated 06.01.2026 and quash the same and direct the Debt Recovery Appellate Tribunal, Chennai to waiver the full pre-deposit amount to admit the appeal as the petitioner has not taken any loan on her property.



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For the Petitioner : Mr.P.Murugesan
For the Respondents : Mr.A.Ilangovan
for R1

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

This writ petition has been filed against the order passed by the Debt Recovery Appellate Tribunal at Chennai in I.A.No.1029 of 2025 dated 06.01.2026.

2. The petitioner filed an appeal, where, he had filed an interlocutory application seeking waiver of the pre-deposit. That application, in I.A.No.1029 of 2025, having been taken up for hearing, an order has been passed by the Appellate Tribunal, whereby, since the total due was Rs.3,16,00,000/-, out of which, the bare minimum as per proviso (3) to Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002¹, being 25%, which comes to Rs.79,00,000/-, was directed to be paid in two installments.

¹ In short, hereinafter referred as "the Act of 2002".



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3. In the first installment, he has to pay a sum of Rs.39,50,000/- on or before 20.01.2026 and in the second installment, the same amount has to be paid on or before 03.02.2026. Though both the dates have gone, within which no amount seems to have been paid and challenging the said order dated 06.01.2026 passed by the Debt Recovery Appellate Tribunal, this writ petition has been filed.

4. Heard *Mr.P.Murugesan*, learned counsel for the petitioner, who would submit that, there are three properties, against which SARFAESI proceedings have been initiated. Out of the three properties, the petitioner's property is only one and the remaining two properties have not been proceeded. This issue has not been considered either by the Debts Recovery Tribunal or by the Debt Recovery Appellate Tribunal.

5. We are afraid to hear such arguments for the reason that, whether it relates to three properties or one property are all matter of merits, to be gone into initially by the Debts Recovery Tribunal and subsequently by the Debt Recovery Appellate Tribunal. This is



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the reason why, against the order passed by the Debts Recovery Tribunal, the petitioner had filed an appeal before the Debt Recovery Appellate Tribunal, where, even before taking the appeal for hearing on merits, the Debt Recovery Appellate Tribunal had to pass a conditional order of pre-deposit, which is mandated under Section 18 of the Act of 2002.

6. In fact, the third proviso to Section 18(1) makes it clear that, unless 50% of the debt amount due from him, as claimed by the secured creditor or determined by the Debts Recovery Tribunal, which ever is less, is paid, the appeal cannot be entertained and as per the next proviso, if at all any discretion is to be used by the Debt Recovery Appellate Tribunal in reducing the pre-deposit from 50%, it could be reduced to not below 25%. That means, only 25% of the due amount alone could be fixed at the lowest as pre-deposit.

7. Here, in the case in hand, exactly that has been done by the Debt Recovery Appellate Tribunal, as out of the due amount of Rs.3,16,00,000/-, Rs.79,00,000/-, being 25%, was directed to be paid, that too by way of two installments as stated *supra*.

8. That order cannot be challenged in a very cavalier manner,



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as has been done in the present writ petition and therefore, the writ petition deserves to be dismissed for the aforesaid discussions and accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, W.M.P.No.3538 of 2026 is closed.

(R.S.K., J.) (S.S.A., J.)
05.02.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

1. The Debt Recovery Appellate Tribunal, Chennai.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

(drm)

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