



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD].No.18365 of 2016

and

W.M.P. (MD) .Nos.13221 and 13222 of 2016

1.M/s.Kaizer Trade Ventures,
rep. by the Managing Director,
Mr.R.Chellappan, Office at Plot No.B1,
Royal Enclave East Cost Road,
Injambakkam, Chennai - 600 115.

2.R.Chellappan : Petitioners

Vs.

1.The Registrar,
DRT - Madurai,
Kayalani Towers,
Near Meenakshi Mission Hospital,
Byepass Road, Madurai.

2.The Authorised Officer,
City Union Bank,
Administrative office,
No.24-B, Gandhi Nagar,
Kumbakonam - 612 001.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent dated 07.09.2016 in I.A.No.1899 of 2016 in S.A.No.346 of 2016 on the file of DRT, Madurai and quash the same.

For Petitioner : Mr.S.R.Mounaswamynathan

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition challenging order of the first respondent, dated 07.09.2016, in I.A.No.1899 of 2016 in S.A.No.346 of 2016 on the file of the Debt Recovery Tribunal, Madurai, wherein the Tribunal granted conditional order of injunction against the second respondent herein till 08.11.2016



subject to payment of Rs.21 lakhs directly before the second respondent Bank on or before 06.10.2016 as the first installment and another sum of Rs.21 lakhs directly to the second respondent Bank on or before 07.11.2016 as the second installment. The petitioner is aggrieved by the same.

2. In our considered view, there is no merit at all in this petition. If the petitioner wants to modify the said order, he can very well approach the Tribunal. Since it is the discretionary order granted by the Tribunal imposing conditions for payment of debt, we cannot interfere with the same. This Writ Petition is, therefore, dismissed, leaving it open to the petitioner to approach the Debt Recovery Tribunal. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Registrar,
DRT - Madurai,
Kayalani Towers, Near Meenakshi Mission Hospital,
Byepass Road, Madurai.

2.The Authorised Officer,
City Union Bank, Administrative office,
No.24-B, Gandhi Nagar, Kumbakonam - 612 001.

Order made in
W.P.[MD].No.18365 of 2016
05.10.2016

gcg

SH/SKS-RR:08.11.2016:2P/3C