



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) NOs.22276 and 22277 OF 2021

and

W.M.P (MD) Nos.18824 and 18825 of 2021

1.M.Suresh Kumar :Petitioner in W.P(MD)No.22276 of 2021
2.S.Ambigapathi :Petitioner in W.P(MD)No.22277 of 2021

.vs.

1.The Debts Recovery Tribunal,
III and Ivth Floor, Kalyani Towers,
Melur Road, Madurai.
2.The Union Bank of India,
represented by its Authorized Officer,
Mr.N.Varadharajan,
Post Box No.51, Rosary Buildings,
Town Hall Road, Madurai - 625 001.
3.The Chief Judicial Magistrate,
Madurai District. : Respondents in both W.Ps'

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus in the nature of direction granting extension of time for a further period of one month to make payment of the second instalment amount of Rs.6,86,000/- as ordered by the first respondent in I.A.No.1412 of 2021 in S.A.No.380 of 2021, dated 23.09.2021.

For Petitioner :Mr.P.Muthukumar
in both W.Ps'

For Respondent-1 :Tribunal
in both W.Ps'

For Respondent-2 :Mr.V.S.Karthi
in both W.Ps'

For Respondent-3 :Court
in both W.Ps'



COMMON ORDER

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

These Writ Petitions are filed by the borrower and also the Co-borrower for grant of extension of time for paying the second instalment amount of Rs.6,86,000/- which was ordered by the Debts Recovery Tribunal, Madurai in I.A.No.1412 of 2021 in S.A.No.380 of 2021, dated 23.09.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Without going into the merits of the case, the following order is passed:

The learned counsel for the Petitioners submit that they could not pay the second installment and hence, they had filed I.A.No.1901 of 2021 on 22.11.2021 before the Debts Recovery Tribunal, Madurai, seeking extension of time to pay the second installment. As there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, the matters pertaining to Madurai jurisdiction are being heard by the Presiding Officer, Debts Recovery Tribunal, Coimbatore. The complaint of the learned counsel for the Petitioners is that the above I.A is to be sent to Coimbatore for hearing.

4.The learned counsel appearing for the second respondent is agreeable for the same.

5.Accordingly, we direct the Registry of the Debts Recovery Tribunal, Madurai to send the entire records in I.A.No.1901 of 2021 in S.A.No.380 of 2021 to the Debts Recovery Tribunal, Coimbatore which would be heard on 24.12.2021 and thereafter to pass appropriate orders, on merits and in accordance with law.

6.With the above direction, the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

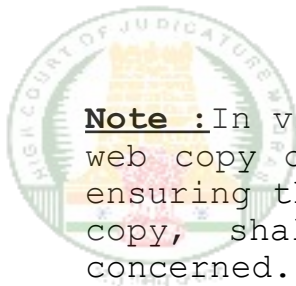
Assistant Registrar (Cr1.Side)

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/ /2022

Sub Assistant Registrar(CS)

vsn



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

- 1.The Debts Recovery Tribunal,
III and Ivth Floor, Kalyani Towers,
Melur Road, Madurai.
- 2.The Authorized Officer,
The Union Bank of India,
Mr.N.Varadharajan,
Post Box No.51, Rosary Buildings,
Town Hall Road,
Madurai - 625 001.
- 3.The Chief Judicial Magistrate,
Madurai District.

COPY TO;

THE DEBT RECOVERY TRIBUNAL,
COIMBATORE.

COMMON ORDER MADE IN
W.P (MD) NOS.22276 and
22277 OF 2021
and
W.M.P (MD) Nos.18824 and
18825 of 2021
16.12.2021

SR (CO)
GC (31.12.2021) 3P 5C