



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**
and
THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

W.P (MD).No.10532 of 2022

and

W.M.P (MD) Nos.7660 & 7661 of 2022

S.Paul Pandi

... Petitioner

Vs.

The Authorised Officer,
Aptus Valve Housing Finance India Ltd.,
Office at 8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk,
Chennai - 10.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for records relating to the impugned order dated 13.05.2022 passed by the Chief Judicial Magistrate, Madurai in Cr.M.P.No.424 of 2022.

For Petitioner : Mr.S.Sukumar

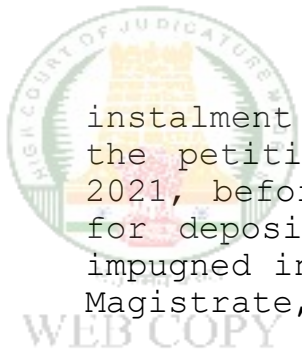
For Respondent : Mr.V.Sukumar

O R D E R

(Order of the Court was made by **R.VIJAYAKUMAR, J.**)

The present writ petition has been filed challenging the order passed under Section 14 of the SARFAESI Act.

2.The petitioner has already filed Second Appeal in S.A.No.278 of 2021 before Debts Recovery Tribunal, Madurai, challenging the order passed under Section 13(4) of the SARFAESI Act and in the said Appeal, in I.A.No.1070 of 2021, the Tribunal has passed a conditional order of interim stay, directed the petitioner to pay a sum of Rs.1,80,000/- as first instalment on or before 06.09.2021 and further directed to deposit an additional sum of Rs. 1,80,000/- as second instalment, on or before 05.10.2021 to the respondent. Admittedly, the petitioner has complied with the first



instalment and the second instalment could not be complied with by the petitioner. Hence, he filed an application in I.A.No.1586 of 2021, before the Debts Recovery Tribunal, seeking extension of time for depositing the second instalment. In the meantime, the order impugned in this writ petition has been passed by the Chief Judicial Magistrate, Madurai.

3. Considering the fact that the petitioner has complied with the first instalment as directed by the Debts Recovery Tribunal and shown his bonafide, we are inclined to pass the following order:-

'The petitioner shall deposit a sum of Rs.1,80,000/- on or before 01.06.2022. On such deposit, the order impugned in this writ petition shall be kept in abeyance till the disposal of the second appeal in S.A.No.278 of 2021'.

4.This writ petition is disposed of on the above said terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar
(Vacation Officer)

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

VRN/PJL

To

1.The Chief Judicial Magistrate, Madurai.

2.The Preciding Officer, Debt Recovery Tribunal,
Madurai.

3.The Authorised Officer,
Aptus Valve Housing Finance India Ltd.,
Office at 8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk, Chennai - 10.

+1 CC to M/s.S. SUKUMAR, Advocate (SR-24133[F] dated 26/05/2022)

+1 CC to M/s.V. SUKUMAR, Advocate (SR-24166[F] dated 26/05/2022)

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26.05.2022

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