



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Tenth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

and

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

WMP(MD) No.13483 of 2022

IN

WP(MD) No.12017 of 2022

ISMAIL LUCKY TRAVELS
REP BY ITS PROPRIETOR,
A.MOHAMMAD ISMAIL

... PETITIONER / PETITIONER /
PETITIONER

Vs

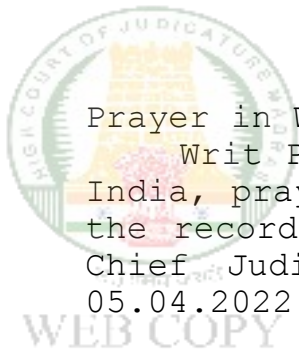
1 IDFC FIRST BANK LIMITED
(EARLIER CAPITAL FIRST BANK),
NAMAN CHAMBERS,
NO.C-32, G-BLOCK,
BANDRA KURLA COMPLEX,
BANDRA EAST, MUMBAI 400 051

2 THE GENERAL MANAGER
IDFC FIRST BANK LIMITED,
(EARLIER CAPITAL FIRST BANK)
KRM TOWERS, 7TH FLOOR,
1, HARRINGTON ROAD,
CHETPET, CHENNAI 600 031

3 THE BRANCH MANAGER
IDFC FIRST BANK LIMITED,
(EARLIER CAPITAL FIRST BANK)
79/2, RAJA BARLEY HOSPITAL,
BYPASS ROAD, MADURAI 625 010

... RESPONDENTS / RESPONDENTS/
RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to extend the time to comply the conditions in WMP.(MD).No. 8556/2022 in W.P.(MD).No. 12017/2022 by order dated 16.06.2022 on the file of Madurai Bench of Madras High Court.



Prayer in WP(MD). 12017/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue of Writ of Certiorari calling for the records pertaining to the impugned order passed by the Learned Chief Judicial Magistrate, Madurai in Cr.M.P.220 of 2022 dated 05.04.2022 and quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RAMASUNDARVIJAYARAJ.S, Advocate for the petitioner and of MR.A.SIVASUBRAMANIAN, Advocate for the respondents 1 to 3, the court made the following order:-

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

Challenging the order dated 05.04.2022, made in Cr.M.P.No.220 of 2022, passed by the learned Chief Judicial Magistrate, Madurai, under Section 14 of the SARFAESI Act, the petitioner has come forward with this writ petition.

2. Earlier, this Court by order dated 16.06.2022, has granted a conditional interim order on condition that the petitioner should deposit Rs.25,00,000/- on or before 15.07.2022 and a further sum of Rs.25,00,000/- on or before 18.08.2022. This Court has also granted liberty to the respondent - Bank to proceed further in accordance with law, in case of failure to make payment in any one of the instalments by the petitioner.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that due to some financial difficulties, the petitioner is not able to comply with the above said conditional interim order and hence, he has filed W.M.P(MD) No.13483 of 2022, praying extension of time to comply with the said order dated 16.06.2022.

4. Being satisfied with the reasons stated in the supporting affidavit, this petition is allowed by directing the petitioner to comply with the conditional interim order dated 16.06.2022, within a period of thirty (30) days from the date of receipt of a copy of this order, failing which, the respondent - Bank is at liberty to proceed further in accordance with law.

5. List the matter after one month for "reporting compliance".

sd/-
10/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

2 IDFC FIRST BANK LIMITED
(EARLIER CAPITAL FIRST BANK),
NAMAN CHAMBERS,
NO.C-32, G-BLOCK,
BANDRA KURLA COMPLEX,
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+1. C.C. to MR.A.SIVASUBRAMANIAN, Advocate SR.No.48654.

+1. C.C. to M/S.RAMASUNDARVIJAYARAJ.S Advocate SR.No.48772.

COPY TO:
THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
WMP (MD) No.13483 of 2022
IN
WP (MD) No.12017 of 2022
Date :10/10/2022

MK/VR/SAR.I/14.10.2022/3P/8C