



W.P.(MD) No.25034 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

**W.P.(MD) No.25034 of 2022
and
W.M.P(MD)No.19134 of 2022**

Rajeshkumar

... Petitioner

-VS-

The Authorized Officer,
Aspire Home Finance Corporation Limited,
Shop No.2, First Floor, V Complex,
D.No.6/81, Avadi Main Road,
Sennerkuppam,
Poonamallee – 600 056.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned order of the learned Chief Judicial Magistrate, Madurai, made in Cr.M.P.No.447 of 2022, dated 18.05.2022 and quash the same.



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For Petitioner : Mr.M.Mohammed sherbudeen

For Respondent : Mr.R.Shankar Ganesh
Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Challenging the impugned order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.447 of 2022, dated 18.05.2022, the petitioner has filed the present Writ Petition.

2. Mr.R.Shankar Ganesh, learned Standing Counsel, takes notice for the respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

3. Since the Debts Recovery Tribunal, Madurai, is functioning once in a week, we are inclined to entertain this writ petition.

4. Learned counsel appearing for the respondent – Bank has produced the details of the payment payable by the petitioner, which reads as follows:-



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<i>Balance Principal</i>	<i>4,31,551.00</i>
<i>Interest Till Date</i>	<i>5,251.00</i>
<i>Overdue Installments</i>	<i>95,693.00</i>
<i>Overdue Principal (5,780.00)</i>	
<i>Overdue Interest (89,913.00)</i>	
<i>Other Dues</i>	<i>1,39,308.00</i>
<i>Pre Payment Charges</i>	<i>0.00</i>
<i>Fore Closure Penalty</i>	<i>0.00</i>
<i>LPP Amount</i>	<i>1,909.00</i>
<i>Total amount Receivable (Rs.)</i>	<i>6,73,712.00</i>

5. Learned counsel appearing for the petitioner has given an undertaking that the petitioner is ready to pay 50% of the abovesaid amount within a period of two weeks and the balance amount shall be paid within a period of two weeks thereafter.

6. Therefore, recording the undertaking given by the learned counsel appearing for the petitioner, we direct the petitioner to pay 50% of the abovesaid amount on or before 18.11.2022 and to pay the remaining amount on or before 02.12.2022. If the petitioner fails to comply with any one of the aforesaid



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WEB COPY conditions, it is open to the respondent – Bank to proceed further in accordance with law. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[T.R., A.C.J.] [R.M.D., J.]
04.11.2022
(2/2)

Index : Yes / No
Internet : Yes / No
ps/vsm

To:

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THE HON'BLE THE ACTING CHIEF JUSTICE
and
R.MAHADEVAN , J.

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