



W.P.(MD) No.26610 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.26610 of 2022

Dr.K.Rajendran

... Petitioner

Vs.

1.M/s.HDB Financial Services Ltd.,
Rep., by its Branch Manager,
D.No.2, 3 & 3/1, M.S.Tower 2nd Floor,
Convent Road, Cantonment,
Trichy-620 001,
Trichy District.

2.The Authorized Officer,
M/s.HDB Financial Services Ltd.,
No.50, VRM Complex 2nd Floor,
Vasantha Nagar, Andalpuram,
Madurai,
Madurai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accept Rs.2,00,000/- from this petitioner as part of repayment of loan amount and thereby direct them to receive balance payment of loan amount starting from 19.12.2022 in accordance with order of this Court in W.P.(MD) No.24117 of 2022 dated 19.10.2022.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.Kannan

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to accept Rs.2,00,000/- from this petitioner as part of repayment of loan amount and thereby direct them to receive the balance loan amount starting from 19.12.2022 in accordance with the order of this Court in W.P.(MD) No.24117 of 2022 dated 19.10.2022.

2. Heard Mr.Kannan, learned counsel for the petitioner and Mr.Kannan, who takes notice for the respondents.



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WEB COPY 3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that due to financial difficulties and family circumstances, the conditional order passed by this Court in W.P.(MD)No.24117 of 2022, dated 19.10.2022, could not be complied with by the petitioner and now the petitioner is inclined to approach the Debts Recovery Tribunal, Madurai, to work out his remedy and therefore, the Writ Petition may be disposed of permitting the petitioner to file appropriate application before the Debts Recovery Tribunal, Madurai, with a direction to the Debts Recovery Tribunal, Madurai, to dispose of the same within a time frame, for which, learned counsel for the respondents has agreed.

5. In view of the above submissions, this Writ Petition is disposed of directing the petitioner to file necessary application before the Debts Recovery Tribunal, Madurai, along with a stay application within a period of three (3) weeks from the date of receipt of a copy of this order and on such filing, the



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Presiding Officer, Debts Recovery Tribunal, Madurai, is directed to consider the same and pass orders on the stay application in accordance with law, without raising any issue on limitation. Till such time, *status quo* prevailing as on date shall be maintained by both parties. No costs.

[R.M.D., J.] [J.S.N.P., J.]

25.11.2022

vsm



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