



W.P.(MD) No.28038 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28038 of 2022

and

W.M.P.(MD)Nos.22116 and 22117 of 2022

1.Kottairaj

2.Suganya

... Petitioners

-Vs-

Fullerton India Home Finance Company Ltd.,

Rep. by its Authorized Officer, T.Balakumar,

No.178, 1st Floor, Krishnasamy Mudhaliyaar Road,

R.S.Puram, Coimbatore-641 002.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in the impugned order passed by the learned Chief Judicial Magistrate, Dindigul in Cr.M.P.No.8314 of 2022, dated 23.09.2022 and quash the same as null and void, ultravires and illegal.

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For Petitioners : Mr.R.Muthukumaran

For Respondent : Mr.S.Vellaichamy

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The order of the learned Chief Judicial Magistrate, Dindigul, dated 23.09.2022 made in Cr.M.P.No.8314 of 2022 is under challenge in this Writ Petition.

2.When the matter was taken up for admission on 13.12.2022, the learned counsel for the petitioners has undertaken before this Court that the petitioners were ready to pay a sum of Rs.2,00,000/- on or before 31.12.2022 and the remaining outstanding amount within a period of three months thereafter, however, the learned counsel for the respondent sought time to file counter affidavit.

3.Today, when the matter was taken up for hearing, the learned counsel for the respondent Finance Company has fairly submitted before this Court that

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the respondent Finance Company has agreed to give an opportunity to the petitioners to clear the entire outstanding amount within the time as suggested by the petitioners.

4.In the light of the above, we direct the petitioners to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent Finance Company on or before 31.12.2022 and to pay the remaining amount within a period of three months thereafter i.e., on or before 31.03.2023. If the petitioners fail to make any one of the aforesaid payment, the respondent Finance Company is at liberty to proceed further in accordance with law.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
16.12.2022
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AND

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