BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**
**and**
**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.56 of 2023
and
WMP(MD)Nos.69 & 70 of 2023

G.Dinesh Kumar ... Petitioner

vs.

Housing Development Finance Corporation Ltd.,
(HDFC Ltd),
Rep. by its Authorised Officer,
No.406, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street,
K.K.Nagar(East),
Madurai – 625 020. ...
Respondent

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records in Cr.M.P.No.27683 of 2022 on the file of Chief Judicial Magistrate, Trichy dated 19.12.2022 and quash the same as illegal, unconstitutional and further forbear the respondent from interfering with the possession of the property comprised in Flat No.B/F2, 1st floor, Rohini Gateway "B" Block, 95/2B, 3B, 4,5,6B, K.Abishekapuram Village, Trichy.

For Petitioner : Ms.Vimala Devi
For Respondent : Mr.N.S.Karthikeyan

## ORDER

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

The challenge is to the order of the learned Chief Judicial Magistrate, Trichy, dated 19.12.2022 passed in Cr.M.P.No.27683 of 2022.

2. Since the Debts Recovery Tribunal is not manned, we are entertaining this writ petition.

3. Mr.N.S.Karthikeyan, learned Standing Counsel, takes notice for the respondent – Financial Institution.

4. It is stated that the amount due as on date is Rs.32,31,149/-.

5. Considering the overall circumstances, the Writ Petition is disposed of in the following terms:-

(i) The respondent – Financial Institution will not take possession of the property if the petitioner pays a sum of Rs.2,31,200/-(Rupees Two Lakhs Thirty One Thousand and Two Hundred Only), by 11.00 a.m., on 07.06.2023.

(ii) The balance amount shall be paid in eight equal monthly instalments commencing from July, 2023 and each installment shall be paid on or before $05^{th}$ day of succeeding months.

(iii) The interest that accrues during the interregnum and the costs incurred by the Financial Institution shall be paid along with the last instalment.

(iv) In the event of any default in payment of the money as directed above, the respondent – Financial Institution can proceed further for recovery.

No Costs. Consequently, connected miscellaneous petitions are closed.

**(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)**
**05.06.2023**

Index : Yes / No
Neutral Citation : Yes / No
pm

**R.SUBRAMANIAN, J.**
**and**
**L.VICTORIA GOWRI, J.**

pm

**ORDER MADE IN**
**W.P(MD)No.56 of 2023**

**DATED : 05.06.2023**