



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Second day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WMP(MD) No.338 of 2023
IN
WP(MD) No.27210 of 2022

HARIFF M
PROPRIETOR,
M/S. W AUTO,
D. NO.327, MULLAI STREET,
THENDRAL NAGAR, GOMATHIPURAM,
MADURAI - 625 020.

... PETITIONER

Vs

1 THE AUTHORIZED OFFICER,
M/S. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED,
NO.81, 3RD FLOOR, PKNA COMPLEX (UPSTAIRS MEGA MART),
BYPASS ROAD, MADURAI - 14.

2 M/S. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED,
REPRESENTED BY ITS BRANCH MANAGER / AUTHORISED OFFICER,
KK NAGAR BRANCH,
NO.29, NATARAJ COMPLEX,
1ST FLOOR, KFC UPSTAIRS,
DISTRICT COURT OPPO.,
MADURAI - 20.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to extent the time beyond 02.01.2023 for the payment of settlement of entire dues in compliance to the interim order passed by this Honble Court in W.P.(MD). No.27210 of 2022 on 01.12.2022 and thus render justice.

PRAYER IN WP(MD) No.27210 of 2022:-

To issue a Writ of Certiorari, calling for the records of the possession notice issued by the 1st respondent dated 09.03.2022 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.DEEPAK.F, Advocate for the petitioner the court made the following order:-

ORDER

WEB COPY

**(Order of the Court was made by
THE HON'BLE THE ACTING CHIEF JUSTICE)**

On 24.02.2023, this Court has passed the following interim order:-

3. *Learned counsel for the petitioner submitted that the petitioner has already paid Rs.20 Lakhs, but due to his hospitalization for surgery in his head and chin, he could not pay the remaining amount. Therefore, he seeks for extension of time.*

4. Though both notices sent through court as well as by private service as per the order of this Court dated 01.12.2022 passed in the main writ petition, served on the respondents, none appeared on their behalf.

5. It was brought to the notice of this Court in the forenoon that one Ms.K.Kavitha, Advocate Commissioner, served notice to the petitioner for taking possession of the secured asset on 27.02.2023 at 11.00 a.m. Therefore, learned counsel for the petitioner was directed to serve notice to the aforesaid advocate commissioner and he has also served notice to her.

6. When the matter was taken up for hearing at 2.15 p.m., none appeared for the respondents. Therefore, considering the urgency involved in this matter that the advocate commissioner is going to take possession of the property on 27.02.2023, this Court is inclined to grant an order of status-quo as on today for a period of one week. The petitioner is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondents on or before 02.03.2023.

7. List the writ petition on 02.03.2023."

2.Now, learned counsel appearing for the petitioner seeks two weeks time for paying the balance amount of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the respondent Bank.



WMP(MD)



23

3. List the matter on 17.03.2023 for reporting copy. Till such time, the interim order dated 24.02.2023 is extended.

sd/-
02/03/2023

/ TRUE COPY /

/ /2023

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

PS

TO

1 THE AUTHORIZED OFFICER
M/S. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED,
NO.81, 3RD FLOOR, PKNA COMPLEX
(UPSTAIRS MEGA MART), BYPASS ROAD,
MADURAI - 14.

2 THE BRANCH MANAGER / AUTHORISED OFFICER,
M/S. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED,
KK NAGAR BRANCH, NO.29, NATARAJ COMPLEX,
1ST FLOOR, KFC UPSTAIRS,
DISTRICT COURT OPP.,
MADURAI-20.

+1 CC to M/s.F.DEEPAK, Advocate (SR-3293[I] dated 03/03/2023)

ORDER
IN
WMP (MD) No.338 of 2023
IN
WP (MD) No.27210 of 2022
Date :02/03/2023

NA/SAR-4/13.03.2023/3P/4C