



W.P.(MD) No.275 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.275 of 2023
and W.M.P.(MD)Nos.241 & 242 of 2023

1.M/s.Sumitra and Sons,
Rep. by its Proprietrix Mrs.R.Sumithra
No.C-37, West Extension,
5th Cross, Thillai Nagar,
Trichy District.

2.P.Ramesh

3.P.Kamalam

4.P.Om.Prakash

5.S.Kavitha

... Petitioners

Vs.

Bank of India,
Tiruchirappalli Cantonment Branch,

Page 1 of 6



W.P.(MD) No.275 of 2023

Represented by its Authorised Officer,
46, 47-A, Promenade Road,
Trichy – 1, Trichy District.

.... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings made in Crl.M.P.No.2278 of 2022 on the file of Chief Judicial Magistrate, Trichy, dated 25.11.2022 and quash the same.

For Petitioners : Mr.R.Sundar

For Respondent : Mr.C.Karthik
Standing Counsel.

ORDER

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

Challenging the order passed by the learned Chief Judicial Magistrate, Trichy, dated 25.11.2022 in Crl.M.P.No.2278 of 2022, the petitioners have filed this Writ Petition.



W.P.(MD) No.275 of 2023

WEB COPY

2. When the matter came up for admission on 06.01.2023, the learned counsel appearing for the petitioners has given an undertaking that the petitioners will pay a sum of Rs.5 lakhs within three [3] weeks and thereafter, pay the remaining outstanding amount within six [6] months and sought time to file an affidavit to that effect.

3. Today, the learned counsel appearing for the petitioners has filed an affidavit of the petitioners before this Court and the learned counsel appearing for the respondent bank is agreed for the same, however, with liberty to the respondent - Bank to proceed against the petitioners in case of default in payment of any one of the installments.

4. Considering the submissions made by both sides, we are inclined to pass the following order:

The petitioners are directed to pay a sum of Rs.5,00,000/-
(Rupees Five Lakhs only), out of the total outstanding amount of
Rs.21,76,879/- on or before 30.01.2023 and after deducting the



W.P.(MD) No.275 of 2023

WEB COPY

said payment, to pay the entire remaining outstanding amount viz., Rs.16,76,879/- in four [4] consecutive monthly installments, commencing from February, 2023. The monthly installments shall be paid on or before the 10th day of every English Calender Month. Till such time, the respondent - Bank shall not take any coercive action against the petitioners. If the petitioners fail to make payment in any one of the above installments, the respondent - Bank is at liberty to proceed further in accordance with law.

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

[D.K.K., J.] [R.V., J.]

09.01.2023

NCC : Yes / No

Index : Yes / No

vsm

Page 4 of 6



WEB COPY



W.P.(MD) No.275 of 2023

To

The Authorised Officer,
Tiruchirappalli Cantonment Branch,
46, 47-A, Promenade Road,
Trichy – 1, Trichy District



WEB COPY



W.P.(MD) No.275 of 2023

D.KRISHNAKUMAR, J.
and
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vsm

W.P.(MD) No.275 of 2023

09.01.2023