



W.P(MD)No.2681 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.2681 of 2023
and
W.M.P(MD)Nos.2440 & 2443 of 2023**

U.Pushpalatha

... Petitioner

VS.

1.The Authorised Officer,
M/s.Aptus Value Housing Finance India Limited,
Having Corporate Office,
8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk,
Chennai – 600 010.

2.The Branch Manager,
M/s.Aptus Value Housing Finance India Limited,
Sakthi Towers, 12th East Cross Street,
Sathamangalam,
Annanagar,
Madurai – 623 520.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 20.01.2023 on the file of the learned Chief Judicial Magistrate, Sivagangai and quash the same.

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For Petitioner : Mr.B.Muneeswaran

For Respondents : Mr.V.Sugumaran

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order dated 20.01.2023 on the file of the learned Chief Judicial Magistrate, Sivagangai.

3.Since the Presiding Officer, Coimbatore, is in-charge of the Debts Recovery Tribunal, Madurai and the Debts Recovery Tribunal, Madurai is functioning weekly once ie., on every Friday, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the petitioner filed an undertaking affidavit before this Court stating that the petitioner undertakes



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to pay the first instalment on or before 10th March, 2023 and the remaining instalment would be paid within 2nd week of May, 2023.

5.The learned standing counsel appearing for the respondent Bank is agreeable for the aforesaid proposal, however, with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.

6.Considering the submissions made on either side, the petitioner is directed to pay the entire outstanding amount to the respondent Bank in three consecutive equal monthly instalments. The first instalment shall be paid on or before 10.03.2023 and the subsequent two instalments shall be paid on or before 10th day of every English Calendar month, until the entire payment is made. Till such time, no coercive steps shall be taken by the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.



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Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
10.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.2681 of 2023

DATED : 10.02.2023