



W.P.(MD) No.3406 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3406 of 2023

and

W.M.P.(MD)Nos.3157 & 3158 of 2023

Kalaivani

... Petitioner

-Vs-

M/s.Equitas Finance Bank Limited,

Rep by its Authorized Officer,

K.Muthuselvam

... 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 impugned order passed by the learned Chief Judicial Magistrate, Theni in Cr.M.P.No.6140 of 2022, dated 17.10.2022 and to quash the same as null and void, ultravires and illegal.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji

For Respondent : Mr.Ajay Parthiban, Standing Counsel

Page 1 of 4



WEB COPY

W.P.(MD) No.3406 of 2023

ORDER

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

The order of the learned Chief Judicial Magistrate, Theni, dated 17.10.2022 made in Cr.M.P.No.6140 of 2022, is under challenge in this Writ Petition.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner has filed an undertaking affidavit before this Court. The relevant portion of the same is extracted hereunder:-

“5.I submit that accordingly I filed this undertaking affidavit by under took that I will pay the outstanding loan amount of Rs. 18,66,499/- in two Equated Monthly Installments within three months from today with future interest for those three months and on payment of entire outstanding amount the respondent bank may be directed to handover the physical possession of the property to me by closed the loan account.”

3.Now, the learned counsel appearing for the petitioner seeks indulgence of this Court for settling the entire outstanding amount in three equated monthly installments.

Page 2 of 4



W.P.(MD) No.3406 of 2023

WEB COPY

4.The aforesaid undertaking affidavit filed by the petitioner is recorded. Considering the request made by the learned counsel for the petitioner, we permit the petitioner to settle the entire outstanding amount in three equated monthly installments to the respondent Bank and if the petitioner fails to pay the aforesaid amount within the period stipulated above, the respondent Bank is at liberty to proceed in accordance with law and the respondent Bank is also entitled for interest for the delay period.

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

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

27.02.2023

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

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Page 3 of 4



WEB COPY



W.P.(MD) No.3406 of 2023

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

MYR

W.P.(MD)No.3406 of 2023

27.02.2023