



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Friday, the Third day of March Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble The ACTING CHIEF JUSTICE

AND

The Hon`ble Mr.Justice D.KRISHNAKUMAR

WMP(MD) . No.3524 of 2023

in

WP(MD) 25972 of 2022

1.W.Thakshinamoorthi

2.Lakshmi

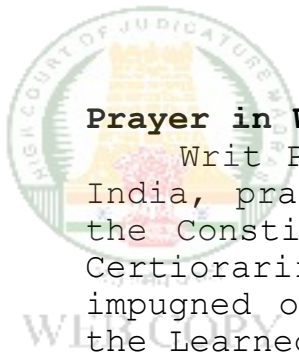
... Petitioner/Petitioner

Vs

- 1 The Canfin Homes Limited
Branch Office 3-11 2nd Floor Star House
12th Cross Thillai Nagar Trichy.
- 2 Hariharasudhan
Advocate Commissioner
M.S.No. 2754/2019
C.L.Law Office No.50 Sathya Lodge Complex
Thiruppathur Road Sivagangai District.
- 3 The Tahsildar
Thiruppathur Taluk Sivagangai District.
- 4 The Inspector of Police
Keelachevalpatti Police Station
Thiruppathur Taluk
Sivagangai District. ... Respondents/Respondents

Prayer :- WMP(MD) . No.3524 of 2023

To pass suitable orders by extending the time granted by this Honble Court vide order dated 16.11.2022 in WP(MD).No. 25972 of 2022 and pass such further or other suitable orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

**Prayer in WP(MD). 25972/ 2022 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Crl.M.P.No. 5493/2022 dated 14.10.2022 passed by the Learned Chief Judicial Magistrate, Sivagangai and quash the same and consequently directing the 1st respondent to furnish the loan particulars in respect of the petitioners pending due in File Nos. 118171810053 and 118181910251 and pass such other appropriate order as this Honourable Court may deem fit and thus render justice.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A.Nawaz Khan, Advocate for the Petitioner and of Mr.S.J.Muthiah Advocate for the 1st Respondent, and of Mr.S.Manikandan Government Advocate(Crl Side)for the 4th Respondent and of Mr.M.Sarangan Additional Government Pleader for the 3rd Respondent, Court made the following order:

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

This petition is filed to extend the time granted by this Court, vide order dated 16.11.2022, in W.P.(MD)No.25972 of 2022.

2. Learned counsel appearing for the petitioner would submit that this Court by order dated 16.11.2022, directed the petitioner to pay 25% of the total outstanding amount on or before 16.12.2022 and to pay the remaining outstanding amount in four consecutive equal monthly installments. He would further submit that the petitioner has partially complied with the conditions imposed by this Court and since the petitioner has been admitted in the hospital for several ailments, he could not able to pay the last two installments. Hence, the petitioner has filed this petition.

3. Learned counsel appearing for the first respondent would submit that the petitioner has paid 25% of the outstanding amount and also paid the two installments, as directed by this Court.

4. Finding that the petitioner has paid 25% of the amount as directed by this Court and the first and second installments have also been paid by the petitioner and taking into account the fact that the petitioner has been admitted in the hospital leading to the default in making third and fourth instalments, we are inclined to grant three months time to pay the remaining two installments along with the interest, failing which, the respondent - Bank is at liberty to proceed in accordance with law.



5. Accordingly, this petition is allowed and three months moratorium is granted to the petitioner to pay the remaining two installments, as directed by this Court, along with the interest. If there is any default, the respondent bank is at liberty to proceed in accordance with law.

WEB COPY

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

TO

1. The Chief Judicial Magistrate,
Sivagangai
 2. The Tahsildar
Thiruppathur Taluk Sivagangai District.
 3. The Inspector of Police
Keelachevalpatti Police Station
Thiruppathur Taluk Sivagangai District.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- + cc to Mr.Nawaz Khan Advocate CA Sr.No.13467/2023

ORDER DATED : 03/03/2023

=====

ORDER

=====

WMP(MD). No.3524 of 2023

in

WP(MD)No.25972 of 2022

Giving direction and etc.
as stated within.

MK(13.03.2023) 3P 6C