



W.P(MD)No.3049 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM:

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

**W.P(MD)No.3049 of 2023
and
W.M.P(MD)No.2852 of 2023**

T.Nelson

... Petitioner

VS.

Aptus Value Housing Finance India Limited,
Represented by its Authorised Signatory,
A.Issac Dhanasingh,
Having Registered Office at No.8B,
Doshi Towers,
No.205, Poonamalle High Road,
Kilpauk,
Chennai – 600 010.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District in Cr.M.P.No.7670 of 2022, dated 05.11.2022 and to quash the same.



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For Petitioner : Mr.G.Aravinthan
For Respondent : Mr.V.Sukumar
Standing Counsel

ORDER

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

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.

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

3.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order passed by the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District in Cr.M.P.No.7670 of 2022, dated 05.11.2022.



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4.The learned counsel appearing for the petitioner submitted that the petitioner undertakes to pay a sum of Rs.5,00,000/- to the respondent Bank on or before 22.02.2023 and the remaining outstanding amount within a period of five months on instalments basis.

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.The learned standing counsel appearing for the respondent Bank submitted that if the petitioner paid a sum of Rs.5,00,000/- to the respondent Bank, without prejudice to his rights, the respondent Bank will hand over the key to the petitioner.

7.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.5,00,000/- to the respondent Bank on or before 22.02.2023 and the remaining outstanding amount to the respondent Bank in five consecutive equal monthly instalments. The first instalment shall be paid on or before 15.04.2023 and the subsequent four



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instalments shall be paid on or before 15th 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. It is open to the petitioner to approach the respondent Bank under One Time Settlement scheme.

8.Recording the submission of the learned standing counsel appearing for the respondent Bank that if the petitioner paid a sum of Rs.5,00,000/- to the respondent Bank on or before 22.02.2023, without prejudice to his rights, the respondent Bank shall hand over the key to the petitioner.

9.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
15.02.2023

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

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To

Aptus Value Housing Finance India Limited,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3049 of 2023

DATED : 15.02.2023