



W.P.(MD)No.3403 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3403 of 2023
and W.M.P.(MD)No.3149 of 2023

M.Mohamed Maideen

... Petitioner

Vs.

- 1.The Chief Judicial Magistrate,
Tirunelveli.
- 2.The Authorized Officer,
Aptus Value Housing Finance India Ltd.,
No.8B, Doshi Towers,
No.205, Poonamalle High Court,
Kilpauk, Chennai – 600 010.
- 3.The Authorized Officer,
Aptus Value Housing Finance India Ltd.,
Branch Office,
No.144/2, First Floor,



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Anaikarai Street, Rajam Timbers,
Tenkasi – 627 811.

... Respondents

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 dated 02.02.2023 in CrI.M.P.No.23919 of 2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.V.Sukumar,
Standing Counsel for R1 & R2

ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai is functioning once in a week, we are inclined to entertain this Writ Petition.

2. Challenging the impugned order dated 02.02.2023 in CrI.M.P.No. 23919 of 2022, passed by the 1st respondent, the petitioner has filed this Writ Petition.



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WEB COPY 3. The learned counsel appearing for the petitioner submitted that the petitioner is ready to pay a sum of Rs.2,00,000/- to the 3rd respondent on or before 09.03.2023 and after deducting the said amount, pay the remaining outstanding amount in six consecutive equal monthly installments commencing from 09.03.2023. He has filed an undertaking affidavit to that effect and the same is taken on file.

4. The learned counsel appearing for the respondents - bank has agreed for the aforesaid terms.

5. In view of the above submissions and recording the undertaking filed by the petitioner, this Court directs the petitioner to pay a sum of Rs.2,00,000/- on or before 09.03.2023 and after deducting the said amount, pay the remaining out standing amount in six consecutive equal monthly installments commencing from 09.03.2023. The monthly installments shall paid on or before the 9th day of every English Calender month, untill the entire payment is made. Till such time, the respondents Bank shall not take any coercive action against the petitioner. If



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there is any default in payment of any one of the above installments, the respondent bank is at liberty to proceed in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
23.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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