



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD)No.4625 of 2023
and
W.M.P.(MD)Nos.4313 and 4314 of 2023**

1. Sri Bharath Kanna Educational Trust,
Rep by its Managing Director,
No.157/E-5, Kanniamar Kovil Nagar,
Periasamypuram Village,
Senthamaram via,
Sankarankovil Taluk,
Tirunelveli-627 857.

2. S.Gopal

3. Muthulakshmi

4. Kalaiyarasan

5. Ramalakshmi

... Petitioners

vs.

1.The Chief Judicial Magistrate,
Tirunelveli,
Tirunelveli District.

2. The Authorized Officer,
AVANSE Finance Services Limited,
Loan Centre, Florida Tower,
No.138/30, Nelson Manickam Road,
Aminjikarai,
Chennai-600 029.

... Respondents



W.P.(MD)No.4625 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in CrI.M.P.No.21732/2022 dated 20.01.2023 on the file of the 1st respondent quash the same as illegal and consequently direct the 2nd respondent to restructure the petitioner's loan account Nos.CHECE00081915, CHECE00153123 and CHECE00168628.

For Petitioner	: Mr.R.Rajeshkumar
For R2	: Mr.N.Mukesh
	Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

With the consent of parties, the writ petition itself is taken up for final disposal.

2. Challenging the order passed in CrI.M.P.No.21732/2022 dated 20.01.2023 by the 1st respondent, this writ petition is filed with a consequential direction to the 2nd respondent to restructure the petitioner's loan account Nos.CHECE00081915, CHECE00153123 and CHECE00168628.



3. Since the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is lying vacant and the Presiding Officer, Debts Recovery Tribunal, Coimbatore, is given in-charge and he is taking up cases pertaining to DRT, Madurai, on every Fridays only, we entertain this writ petition.

4. Mr.N.Mukesh, learned counsel takes notice for the 2nd respondent Bank.

5. Now, learned counsel appearing for the petitioner submits that the petitioner is prepared to pay 25% of the outstanding amount as on date to the respondent Bank within a period of one month and the balance outstanding amount in six equal monthly instalments.

6. Learned standing counsel appearing for the 2nd respondent has objected to the aforesaid submission stating that since the petitioner is running an educational institution, he has to pay 25% of the outstanding amount within a period of two weeks. As far as the payment of remaining outstanding amount is concerned, after payment of 25% of the outstanding amount, the petitioner has to approach the respondent Bank.



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7. Considering the above rival submissions, the Writ Petition is disposed of directing the petitioner to pay 25% of the outstanding amount as on date to the respondent Bank, within a period of one month from the date of receipt of a copy of this order. Till such time, the impugned order shall be kept in abeyance. If the petitioner fails to pay 25% of the outstanding amount within the stipulated time, the respondent Bank is at liberty to proceed further in accordance with law. After making the above payment, the petitioner is directed to approach the respondent Bank for payment of remaining outstanding amount with instalments or OTS. No costs. Connected miscellaneous petitions are closed.

[T.R., A.C.J.] [D.K.K., J.]
03.03.2023

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

The Chief Judicial Magistrate,
Tirunelveli,
Tirunelveli District.



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W.P.(MD)No.4625 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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ORDER MADE IN
W.P.(MD)No.4625 of 2023
DATED : 03.03.2023