



W.P.(MD) No.8296 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.8296 of 2023
and
W.M.P.(MD) Nos.7633 and 7634 of 2023**

Subramanian

... Petitioner

-VS-

1.The Authorized Officer,
Cholamandalam Investment and
Finance Company Ltd.,
Dare House, 2, N.S.C.Road,
Parrys, Chennai-600 001.

2.The Branch Manager,
Cholamandalam Investment and
Finance Company Ltd.,
Nagercoil Branch,
Nagercoil, Kanyakumari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the entire record pertaining to the impugned sale auction notice dated 10.03.2023 issued by the respondents and scheduled conduct



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sale auction on 17.04.2023 between 11.00 A.M. to 01.00 P.M. and quash the same as illegal.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.P.Pethu Rajesh

ORDER

[Order of the Court was made by R. SUBRAMANIAN, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai is not manned, we are entertaining this writ petition.

2. The sale notice issued by the Bank is under challenge in this writ petition. The sale is scheduled to be held on 17.04.2023.

3. Considering the representation of the petitioner to the effect that the petitioner will be able to liquidate the entire debt, if he is given some time, this Writ Petition is disposed of with the following directions:

(i) The petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on or before 12 Noon on 17.04.2023. The Bank will not conduct the sale on such payment;



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(ii) The petitioner shall also pay the remaining amount of Rs.27,43,000/- (Rupees Twenty Seven Lakhs and Forty Three Thousand only) in five equal monthly instalments commencing from 20th of May, 2023; and

(iii) The interest that accrues during the interregnum and the expenses of the sale would be paid along with the last instalment.

If there is any default in payment of the monies as aforesaid, the Bank will proceed with the recovery action. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]
12.04.2023

NCC : Yes
Index : Yes
Internet : Yes
abr
To

1.The Authorized Officer,
Cholamandalam Investment and Finance Company Ltd.,
Dare House, 2, N.S.C.Road,
Parrys, Chennai-600 001.

2.The Branch Manager,
Cholamandalam Investment and Finance Company Ltd.,
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