



W.P.(MD) No.8222 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

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

W.P.(MD) No.8222 of 2023

and

W.M.P.(MD) Nos.7576, 7577 & 7578 of 2023

1.C.Selvaraj

2.S.Meena

... Petitioners

-vs-

M/s.Shri Ram Transport
Finance Company Ltd.,
rep.by Authorized Officer
K.Rajesh Kumar (Age 40)
S/o.Karuppaiah
No.81, 3rd Floor, P.K.N.A.Complex
By Pass Road
Madurai-625 014

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order in Cr.M.P.No.214 of 2023, dated 24.03.2023, on the file of the



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Chief Judicial Magistrate, Madurai and quash the same as illegal and unconstitutional and consequently direct the respondent to accept the one time settlement (OTS) offered by the petitioners in connection with the Loan A/C No.JAIPMT80919003 and JAIPMT80919002.

For Petitioners : Mr.S.Balamurugan

For Respondent : Mr.B.Senthil Kumar

ORDER

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

Challenge in this writ petition is to the order, dated 24.03.2023, passed in Cr.M.P.No.214 of 2023, by the learned Chief Judicial Magistrate, Madurai, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, “the Act”).

2. Earlier, when notices under Sections 13(2) and 13(4) of the Act were issued by the respondent – Bank, the first petitioner herein filed W.P. (MD) No.11576 of 2022 and this Court granted interim order on condition that the first petitioner pays a sum of Rs.8,00,000/- in two equated monthly



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installments. Though the said condition was complied with, subsequently, this Court had, while disposing the writ petition finally, directed the first petitioner to pay a sum of Rs.31,19,119/-, which was due as of 25.05.2022, in four monthly installments. Admittedly, the said order has not been complied with. In view of the same, we do not think that we can entertain this writ petition.

3. Leaving it open to the petitioners to approach the Debts Recovery Tribunal, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

11.04.2023

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Chief Judicial Magistrate,
Madurai.



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