



W.P.(MD) No.8901 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

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

**W.P.(MD) No.8901 of 2023
and
W.M.P.(MD) Nos.8111 & 8112 of 2023**

1. S.Thangavel

2. B.Nithayarasi

3. A.Velusamy

4. L.Pownthai

... Petitioners

-VS-

Sundaram Home Finance Limited,
Rep. by its Authorized Officer
Mr.M.Sivabalan,
No.51, 3rd Floor, KASP Towers,
Bye Pass Road, Ponmeni,
Madurai-625 010.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order in



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Cr.M.P.No.11563 of 2022 dated 21.03.2023 on the file of the Learned Chief Judicial Magistrate, Dindigul and quash the same as illegal.

For Petitioners : Mr.B.Prasanna Vinoth

For Respondent : Mr.M.Ilango

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. Mr.M.Ilango, learned counsel, takes notice for the respondent – Finance Company.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Challenging the order dated 21.03.2023, passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of



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Security Interest Act, 2002 (hereinafter referred to as "the Act") by the learned Chief Judicial Magistrate, Dindigul, the petitioners have come forward with this writ petition.

5. Learned counsel appearing for the respondent – Finance Company would submit that if the petitioners pay a sum of Rs.65,27,868/- (Rupees Sixty Five Lakhs Twenty Seven Thousand Eight Hundred and Sixty Eight only) which represents the overdue installment as of today, the respondent would be in a position to regularize the account of the petitioner.

6. Learned counsel appearing for the petitioner would seek some time for payment of the said amount.

7. Considering the fact that the petitioner has paid a sum of Rs.60,00,000/- (Rupees sixty lakhs only) recently, the petitioner is granted time till 30.06.2023 to pay the said amount of Rs.65,27,868/- (Rupees Sixty Five Lakhs Twenty Seven Thousand Eight Hundred and Sixty Eight only) either in one lumpsum or in installments. Upon such lumpsum payment or upon payment of



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monthly EMI for the month of May and June 2023, the respondent – Finance Company will consider regularizing the petitioners' account. If there is a default in payment as directed above, the respondent – Finance Company can proceed further in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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