



W.P(MD)No.11633 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.11633 of 2022
and
WMP(MD)No.8217 of 2022

Ayish Beevi

... Petitioner

vs.

1. The Debts Recovery Tribunal,
IV, Floor, Kalyani Tower,
Melur Road, Madurai.

2. The Chief Judicial Magistrate,
District Court Campus,
Tiruchirapalli.

3. Repco Home Finance Limited,
Asset Recovery Branch,
11th Cross Street,
Thillai Nagar Main Road,
Trichy-620 018.
Rep. by its Authorised Officer,
Mr.K.Selvakumar.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 05.05.2022 made in Cr.M.P.No.3735 of 2022 and quash the same.

For Petitioner : Mr.S.Suresh
For R1 : Mr.R.Sivakumar

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

On 14.06.2022, this Court passed the following order:-

"Challenging the order dated 05.05.2022, passed in Crl.M.P.No.3735 of 2022, by learned Chief Judicial Magistrate, Tiruchirappalli, on the application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the above Writ Petition has been filed.

2. Learned counsel for the petitioner states that possession has not been taken pursuant to the order of learned Chief Judicial Magistrate, Tiruchirappalli. Learned counsel for the petitioner further submits that the total outstanding as on date is around Rs.62,00,000/- and the petitioner undertakes to deposit a



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WEB COPY sum of Rs.15,00,000/-, if sufficient time is granted.

3. Considering the facts narrated and the grievance expressed by the petitioner, this Court is inclined to grant an order of interim stay on terms.

4. Accordingly, there shall be an order of interim stay on condition that the petitioner deposits a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousands only) on or before 15.07.2022 and a further sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousands only) on or before 31.07.2022 before the respondent Bank. In case the petitioner fails to deposit any one of the instalments, the interim stay granted shall stand vacated automatically without any further reference to this Court and it is open to the respondent bank to proceed further in accordance with law.

5. Mr.S.Sivakumar, learned Standing Counsel, accepts notice for the first respondent. Issue notice to the respondents 2 and 3 returnable by 01.08.2022. Private Notice is also permitted."

2. Learned counsel for the petitioner submitted that the petitioner has complied with the aforesaid conditional interim order. He has further submitted that the petitioner has filed SARFAESI appeal before the Debts Recovery Tribunal, Madurai, against the order passed under Section 14 of the SARFAESI Act.



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3. Therefore, we are not inclined to entertain this writ petition. However, considering the fact that the petitioner has complied with the conditional interim order passed by this Court on 14.06.2022, the Writ Petition is disposed of with liberty to the petitioner to approach the Debts Recovery Tribunal, for getting further orders in the pending appeal, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the interim order dated 14.06.2022 granted by this Court shall be in force. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[D.K.K.,J.] & [L.V.G.,J.]
16.02.2023

To

1. The Debts Recovery Tribunal,
IV, Floor, Kalyani Tower,
Melur Road, Madurai.

2. The Chief Judicial Magistrate,
District Court Campus,
Tiruchirapalli.

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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.11633 of 2022
DATED : 16.02.2023