



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Special Original Jurisdiction

Friday, the First day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.SANJAY V.GANGAPURWALA CHIEF JUSTICE

AND

The Hon`ble Mr.Justice C. KUMARAPPAN

WMP(MD). No.13969 of 2023

IN

WP(MD). No.8901 of 2023

1 Thangavel.S

S/o.Late.Chandrasamy,

No.5/73, Plis Villa Street,

Kodaikanal, Dindigul-624 101

2. B.Nithayarasi

W/o.Thangavel,

No.5/73, Plis Villa Street,

Kodaikanal, Dindigul-624 101

3. A.Velusamy

S/o.Arumugam,

Mosa Thottam, E.Ayyampalayam, Edayakottai Post,

Ayampalayam, Dindigul-624 704

4. L.Pownthai

D/o.Lakshmanasamy,

Mosa Thottam, E.Ayyampalayam,

Edayakottai Post, Ayampalayam,

Dindigul-624 704

.. Petitioners



- Vs. -

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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 in WMP(MD)No.13969 of 2023

This Writ Miscellaneous Petition filed under Article 226 of Constitution of India to Extend the time to pay the amount of Rs.65,27,868/- to the Respondent and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD). 8901/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order in 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.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms.L.Samjegan, Advocate for the Petitioners and of Ms. Jerin Mathew, Advocate for the respondent, this Court made the following order:

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

We have heard Mr.I.Sam Jegan, learned counsel appearing for the petitioners and Mr.Jerin Mathew, learned counsel appearing for the respondent.

2. On the request of the petitioners, this Court had granted time to the petitioners to pay remaining amount of Rs.65,27,868/- upto 30.06.2023. Even after



lapse of two months, the said amount is not deposited. The said order was passed on 27.04.2023. As the petitioners have not complied with the order, this petition cannot be entertained.

3. However, if the petitioner deposits the amount of Rs.65,27,868/- as directed by this Court under order dated 27.04.2023 along with interest within a period of one week from today, the respondent shall not proceed further under the provisions of the SARFAESI Act. In case, the petitioner fails to deposit the amount within a period of one week, the respondent is at liberty to proceed further under the provisions of the SARFAESI Act.

4. The Miscellaneous Petition is accordingly disposed of.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO

1 Sundaram Home Finance Limited

Rep. by its Authorized Officer Mr.M.

Sivabalan No.51 3rd Floor , Kasp Towers

Bypass Road , Ponmeni, Madurai-625 010

<https://www.mysudhainewsjudiciary.com>



2 Thangavel.S
S/o.Late.Chandrasamy,
No.5/73, Plis Villa Street,
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5. L.Pownthai
D/o.Lakshmanasamy,
Mosa Thottam, E.Ayyampalayam,
Edayakottai Post, Ayampalayam, Dindigul-624 704

COPY TO

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 01/09/2023

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ORDER

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WMP(MD). No.13969 of 2023

IN

WP(MD) No.8901 of 2023

Giving direction and etc.
as stated within.

MK/07.09.2023 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023